



# भारत का राजपत्र The Gazette of India

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)  
नई दिल्ली, 12 अप्रैल, 2024

का.आ. 1348.—केन्द्र सरकार, एतद द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25 की धारा 5 की उप-धारा (1) संपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार की अधिसूचना संख्या जी.ओ.(एमएस) संख्या 186/2022/गृह दिनांक 12.09.2022, गृह (एम) विभाग, केरल (एसआरओ संख्या 898/2022) का अधिक्रमण करते हुए, अधिसूचना जी.ओ. (एमएस) संख्या 5/2024/गृह दिनांक 06.01.2024 (एस.आर.ओ. संख्या 129/2024), केरल सरकार, गृह (एम) विभाग, तिरुवनंतपुरम के माध्यम से जारी सम्मति से, श्री कुंज बिहारी शर्मा आईटीएस, निदेशक (आर), कार्यालय वरिष्ठ उप महानिदेशक, दूरसंचार विभाग, केरल एलएसए, कोच्चि के खिलाफ उनकी आय के ज्ञात स्रोत से गैर-आनुपातिक संपत्ति रखने के लिए प्रारंभिक जांच (पी.ई.) और अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 28.09.2022 से) समस्त केरल राज्य में करती है।

[फा.सं. 228/23/2023-एवीडी-II]

कुंदन नाथ, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS****(Department of Personnel and Training)**

New Delhi, the 12th April, 2024

**S.O. 1348.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Kerala, issued vide Notification G.O.(Ms)No.5/2024/HOME dated 06.01.2024 (S. R. O. No. 129/2024), Government of Kerala, Home (M) Department, Thiruvananthapuram, in Supersession of Notification No. G.O.(Ms)No.186/2022/Home dated 12.09.2022, Home (M) Department, Kerala (S.R.O. No. 898/2022) hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 28.09.2022) to the whole State of Kerala for conducting Preliminary Enquiry (P.E) and investigation against Shri Kunj Bihari Sharma ITS, Director (R), O/o Senior Deputy Director General, Department of Telecommunication, Kerala LSA, Kochi for possession of disproportionate assets to his known source of income.

[F. No. 228/23/2023-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 12 अप्रैल, 2024

**का.आ. 1349.**—केन्द्र सरकार, एतद् द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केरल राज्य सरकार की अधिसूचना सं. जी.ओ (एमएस.) सं. 108/2022/गृह, दिनांक 04.06.2022 (एसआरओ सं. 593/2022 के रूप में जारी) और शुद्धिपत्र अधिसूचना जी.ओ (एमएस.) सं. 233/2023/गृह, (एम) दिनांक 14.11.2023 (एस.आर.ओ. सं. 1218/2023 के रूप में जारी), केरल सरकार, गृह (एम.) विभाग, तिरुवनंतपुरम के माध्यम से जारी सम्मति से, कथित तौर पर श्रीमती निशा जे. मोहन, तत्कालीन शाखा प्रबंधक, भारतीय स्टेट बैंक, कुरावनकोनम शाखा, श्री अभिजीत मोहन एम.आर, निवासी कुडयालिनमुगल, वीपी-III 63, नेट्टायम, मणिकंटेस्वरम, तिरुवनंतपुरम एवं श्री अनीश शैलेश्वरन कुमार, निवासी गौरीभारतम, कैरेली गार्डन, वलियाभीडु लेन, मनाकड, पत्रालय तिरुवनंतपुरम तथा अज्ञात अन्यो द्वारा कारित भारतीय दंड संहिता, 1860 (1860 का केंद्रीय अधिनियम 45) की धारा 409, 420, 468, 477-ए, सपठित भ्रष्टाचार निवारण अधिनियम, 1988 (2018 के केंद्रीय अधिनियम 16 द्वारा यथा-संशोधित) की धारा 13 की उप-धारा (1) का खंड (क) सपठित उप-धारा (2) के तहत दंडनीय अपराध(धों), जिसके आधार पर दिनांक 14.06.2022 को सीबीआई मामला आरसी0332022ए0002 पंजीकृत किया गया है, का अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 14.06.2022 से) समस्त केरल राज्य में करती है।

[फा. सं. 228/26/2023-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 12th April, 2024

**S.O. 1349.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Kerala, issued vide Notification No. G.O. (Ms.) No. 108/2022/Home dated 04.06.2022 (issued as S.R.O. No. 593/2022) and Erratum Notification G.O. (Ms.) No.233/2023/Home dated 14.11.2023 (issued as S.R.O. No. 1218/2023), Government of Kerala, Home (M) Department, Thiruvananthapuram hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 14.06.2022) to the whole State of Kerala for investigation into the offence(s) punishable under sections 409, 420, 468, 477-A read with sections 120-B of the Indian Penal Code, 1860 (Central Act 45 of 1860), under clause (a) of sub-section (1) read with subsection (2) of Section 13 of the Prevention of Corruption Act, 1988 (as amended by the Central Act 16 of 2018) alleged to have been committed by Smt. Nisha J. Mohan, the then Branch Manager, State Bank of India, Kuravankonam Branch, Sri Abhijit Mohan M.R, R/o Kudayalinmugal, VP-III 63, Nettayam, Manikanteshwaram, Thiruvananthapuram and Sri Aneesh Saileswaran Kumar, R/o Gowribharatham, Kairali Gardens, Valiaveedu Lane, Manacaud P.O, Thiruvananthapuram and unknown others, based on which a CBI Case RC0332022A0002 has been registered on 14.06.2022 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/26/2023-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 15 अप्रैल, 2024

**का.आ. 1350.**—केन्द्र सरकार, एतद द्वारा, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार की अधिसूचना ज्ञापन संख्या-10/सी.बी.आई.-403/2024-1713 दिनांक 18.03.2024, गृह, कारागार एवं आपदा प्रबंधन विभाग, झारखंड सरकार के माध्यम से जारी सम्मति से (i) श्री सुमित कुमार सोरव, तत्कालीन उप-पोस्ट मास्टर, के. के. पॉलिटेक्निक एसओ, गोविंदपुर, धनबाद (ii) श्री परितोष लाकड़ा, तत्कालीन पर्यवेक्षक (लोअर सेलेक्शन ग्रेड पोस्टल असिस्टेंट), डब्ल्यूटीसी, प्रधान डाकघर, धनबाद (iii) श्री शंकर भाटिया, तत्कालीन डाक सहायक (बचत बैंक नियंत्रण संगठन) प्रधान डाकघर, धनबाद और (iv) श्री भरत प्रसाद रजक, तत्कालीन डाक सहायक (उप खाता) प्रधान डाकघर, धनबाद और अन्य अज्ञात के खिलाफ भारतीय दंड संहिता की धारा 120-बी सपठित 420, 465, 468 और 477ए और भ्रष्टाचार निवारण अधिनियम, 1988 यथासंशोधित भ्रष्टाचार निवारण (संशोधन अधिनियम 2018) की धारा 13(2) सपठित 13(1) (बी) के तहत दंडनीय अपराधों के लिए नियमित मामले का पंजीकरण और अन्वेषण करने के लिए तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त झारखंड राज्य में करती है।

[फा. सं. 228/22/2024-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 15th April, 2024

**S.O. 1350.**— In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government, with the consent of the State Government of Jharkhand, issued vide Notification Memo No. 10/C.B.I.-403/2024-1713 dated 18.03.2024, Home, Prisons and Disaster Management Department, Government of Jharkhand, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Jharkhand for registration and investigation of regular case against (i) Shri Sumit Kumar Sorav, the then Sub-Post Master, K. K. Polytechnic SO, Govindpur, Dhanbad (ii) Shri Paritosh Lakra, the then Supervisor (Lower Selection Grade Postal Assistant), WTC, Head Post Office, Dhanbad (iii) Shri Shankar Bhatia the then Postal Assistant (Saving Bank Control Organisation) Head Post Office, Dhanbad and (iv) Shri Bharat Prasad Rajak, the then Postal Assistant (Sub Account) Head Post Office, Dhanbad and others unknown, for offences punishable under section 120-B r/w 420, 465, 468 and 477A of IPC and section 13(2) r/w 13(1) (b) of the Prevention of Corruption Act, 1988, as amended by Prevention of Corruption (Amendment) Act 2018, and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/22/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 15 अप्रैल, 2024

**का.आ. 1351.**—केन्द्र सरकार एतद द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ.एमएस.सं.12 दिनांक 16.03.2024, गृह (विशेष) विभाग, तेलंगाना राज्य सरकार के माध्यम से जारी सम्मति से (1) श्री श्रीनिवास, सीमा शुल्क अधीक्षक; (2) श्री चक्रपाणि, सीमा शुल्क अधीक्षक तथा (3) श्री पंकज गौतम, सीमा शुल्क निरीक्षक के विरुद्ध भा.दं.सं. की धारा 120-बी सपठित भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केंद्रीय अधिनियम सं. 49) (2018 में यथा संशोधित) की धारा 7 के अंतर्गत दंडनीय अपराधों तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध से जुड़े मामलों के लिए, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/23/2024-एवीडी-II]

कुंदन नाथ, अवर सचिव

New Delhi, the 15th April, 2024

**S.O. 1351.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.12 dated 16.03.2024, Home (Special) Department, Government of Telangana hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole State of Telangana regarding case against (i) Sri Srinivas, Superintendent of Customs; (2) Sri Chakrapani, Superintendent of Customs and (3) Sri Pankaj Gautam, Inspector of Customs for offences punishable under section 120-B IPC read with sections 7 of Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988) (as amended in 2018) and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/23/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 22 अप्रैल, 2024

**का.आ. 1352.**—केन्द्र सरकार, एतद् द्वारा, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का केंद्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना संख्या जी.ओ.एमएस.सं.11 दिनांक 16.03.2024, गृह (विशेष) विभाग, तेलंगाना सरकार के माध्यम से जारी सम्मति से (1) श्रीमती सीएच. माधवी, सहायक अधीक्षक डाकघर (ii) श्री बी. सुरेंद्र कुमार, एमटीएस और (ii) श्री बी. टी सिंह, एमटीएस, मुख्यालय क्षेत्र, डाक विभाग, हैदराबाद के खिलाफ भारतीय दंड संहिता की धारा 120-बी सपठित भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केंद्रीय अधिनियम संख्या 49) (2018 में यथासंशोधित) की धारा की धारा 7 और 8 के तहत दंडनीय अपराधों तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध से जुड़े मामलों के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/24/2024-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 22nd April, 2024

**S.O. 1352.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.11 dated 16.03.2024, Home (special) Department, Government of Telangana hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole State of Telangana regarding the case against (i) Smt. Ch. Madhavi, Assistant Superintendent of Post Office (ii) Sri B. Surender Kumar, MTS and (iii) Sri B. T Singh, MTS, Hqrs Region, Postal Department, Hyderabad for offences punishable under Section 120-B IPC read with sections 7 and 8 of Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988) (as amended in 2018) and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/24/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 22 अप्रैल, 2024

**का.आ. 1353.**—केन्द्र सरकार, एतद् द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केरल राज्य सरकार की अधिसूचना सं. जी.ओ. (एमएस) सं. 172/2023/गृह, दिनांक 04.08.2023 (एस.आर.ओ. सं. 860/2023) और शुद्धि पत्र अधिसूचना सं. जी.ओ. (एमएस) सं. 17/2024/गृह, दिनांक 15.01.2024 (एस.आर.ओ. सं. 123/2024), गृह (एम) विभाग, तिरुवनंतपुरम के माध्यम से जारी सम्मति से, उक्त अधिनियमों के अंतर्गत दंडनीय अपराधों को अंजाम देने के लिए सेंट्रल बैंक ऑफ इंडिया के अज्ञात लोक सेवकों, मेसर्स शालॉम माइक्रो फायनांस लि., श्री जयसन जॉय. एम. जे., प्रबंध निदेशक, श्री जॉब मन्तोट्टातिल जॉय, अपर निदेशक, श्री शिवादास चेतूर, अपर निदेशक, श्रीमती वेलैडी सरस्वती,

अपर निदेशक, श्री इमैनुअल विजयानंद मुराय, नामिती निदेशक, श्री शिवासनक्रन, अपर निदेशक, श्री जनार्दनन वी.के., निदेशक और श्री राजु अरुवुम्माकल चेरियन, अपर निदेशक और अन्य अज्ञात, यदि कोई हो, के विरुद्ध भारतीय दंड संहिता, 1860 (वर्ष 1860 का केंद्रीय अधिनियम 45) की धाराएँ 120बी, 406, 420 और भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 की उप-धारा (1) का खण्ड (डी) जैसा कि भ्रष्टाचार निवारण (संशोधन) अधिनियम, 2018 (वर्ष 2018 का केंद्रीय अधिनियम 16 ) के लागू होने से पूर्व विहित किया गया था सपठित भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 1988 का केंद्रीय अधिनियम 49) की धारा 13 की उप-धारा (2) के अंतर्गत दंडनीय अपराधों को अभिकथित रूप से कारित करने से जुड़े अपराधों तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त केरल राज्य में करती है।

[फा. सं. 228/25/2024-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 22nd April, 2024

**S.O. 1353.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Kerala, issued vide Notification No. G.O (Ms) No.172/2023/Home dated 04.08.2023 (S.R.O.No.860/2023) and Erattum Notification No. G.O(Ms) No.17/2024/HOME dated 15.01.2024 (SRO No. 123/2024), Home (M) Department, Thiruvananthapuram, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Kerala for the investigation of the alleged commission of offences punishable under sections 120B, 406, 420 of Indian Penal Code, 1860 (Central Act 45 of 1860) and under clause (d) of Sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) as it stood prior to the commencement of the Prevention of Corruption (Amendment) Act, 2018 (Central Act 16 of 2018) read with Sub-section (2) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) against unknown Public Servants of Central Bank of India, M/s Shalom Micro Finance Ltd., Shri Jaison Joy.M.J., Managing Director, Shri Job Manthottathil Joy, Additional Director, Shri Sivasdas Chettoor, Additional Director, Smt. Velandy Saraswathi, Additional Director, Shri Emmanuel Vijayannand Murray, Nominee Director, Shri Sivasankran, Additional Director, Shri Janardhanan V.K, Director and Shri Raju Aruvummackal Cheriyan, Additional Director and unknown others, if any, for commission of offences punishable under the said Acts and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/25/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 22 अप्रैल, 2024

**का.आ. 1354.**—केन्द्र सरकार, एतद् द्वारा, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का केंद्रीय अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान राज्य सरकार की अधिसूचना सं. एफ.19(4)गृह-5/2024 जयपुर, दिनांक 18.03.2024, गृह (गृ.-v) विभाग, राजस्थान सरकार के माध्यम से जारी सम्मति से, श्री अनीश प्रसाद, भा.पु.से., कार्यपालक निदेशक सतर्कता (पुलिस), रेलवे बोर्ड द्वारा (1) विशाल सक्सेना, कार्यपालक अभियंता, पीएचईडी, (ii) पदमचंद जैन, मालिक, मेसर्स श्री श्याम ट्यूबवेल कंपनी, जयपुर, (iii) महेश मित्तल, मालिक, मेसर्स गणपति ट्यूबवेल कंपनी, जयपुर और अज्ञात निजी व्यक्तियों एवं लोक सेवकों के विरुद्ध भारतीय दंड संहिता की धारा 120-बी सपठित धारा 167, 170, 419, 420, 468 और 471 के तहत दंडनीय अपराध(धों) के संबंध में की गई लिखित शिकायत के आधार पर मामला तथा उसके मूल अपराध जो अन्वेषण के दौरान प्रकाश में आए और ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा एवं/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का पंजीकरण करने और अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त राजस्थान राज्य में करती है।

[फा. सं. 228/26/2024-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 22nd April, 2024

**S.O. 1354.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of



the State Government of Rajasthan, issued vide Notification No. F.19(4)Home-5/2024 Jaipur, dated 18.03.2024, Home (Gr.-V) Department, Government of Rajasthan hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the State of Rajasthan for registration and investigation of the case on the basis of a written complaint of Shri Anish Prasad, IPS, Executive Director Vigilance (Police), Railway Board against (i) Vishal Saxena, EE, PHED, (ii) Padamchand Jain, Proprietor, M/s Shree Shyam Tubewell Company, Jaipur (iii) Mahesh Mittal, Proprietor, M/s Ganpati Tubewell Company, Jaipur and unknown private persons and public servants for offences punishable under section 120-B r/w Section 167, 170, 419, 420, 468 and 471 of IPC and substantive offences thereof that may come to light during investigation and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/26/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 26 अप्रैल, 2024

**का.आ. 1355.**—केन्द्र सरकार, एतद् द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हरियाणा राज्य सरकार की अधिसूचना सं. 20/02/2024-3एचजी-1, दिनांक 05.03.2024, गृह विभाग, हरियाणा सरकार के माध्यम से जारी सम्मति से, लाइनपार बहादुरगढ़ थाना, जिला-झज्जर में भारतीय दंड संहिता की धारा 147/148/149/307/302/120बी और शस्त्र अधिनियम 25/27-54-59 के तहत दिनांक 26.02.2024 को दर्ज आपराधिक मामला एफआईआर सं. 37 और ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त हरियाणा राज्य में करती है।

[फा. सं. 228/20/2024-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 26th April, 2024

**S.O. 1355.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Haryana, issued vide Notification No. 20/02/2024-3HG-I dated 05.03.2024, Home Department, Haryana Government, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Haryana for investigation of criminal case FIR No. 37 dated 26.02.2024 u/s 147/148/149/307/302/120B IPC and 25/27-54-59 Arms Act, Police Station Linepar Bahadurgarh, District Jhajjar and any other offence(s), attempts, abetments and conspiracies, in relation to or in connection with above mentioned offences and any other offence or offences committed in the course of the same transactions or arising out of the same facts.

[F. No. 228/20/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 26 अप्रैल, 2024

**का.आ. 1356.**— केन्द्र सरकार एतद् द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, छत्तीसगढ़ राज्य सरकार की अधिसूचना सं. एफ-4-63/गृह-सी/2024 दिनांक 15.04.2024, गृह विभाग (सी-अनुभाग), महानदी भवन, मंत्रालय, नवा रायपुर, अटल नगर के माध्यम से जारी सम्मति से, थाना-साजा, जिला बेमेतरा में भा.दं.सं. की धारा 147, 148, 149, 336, 307, 302, 120-बी के अंतर्गत दर्ज मामला सं. 87/2023 तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त छत्तीसगढ़ राज्य में करती है।

[फा. सं. 228/27/2024-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 26th April, 2024

**S.O. 1356.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act 25 of 1946), the Central Government with the consent of the State Government of Chhattisgarh, issued vide Notification No. F-4-63/Home-C/2024 dated 15.04.2024, Home Department (C-Section), Mahanadi Bhawan, Mantralaya, Nava Raipur, Atal Nagar, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Chhattisgarh to investigate the Crime No. 87/2023 registered at Police Station-Saja, District Bemetara, under Section 147, 148, 149, 336, 307, 302, 120-B of IPC, and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/27/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 3 मई, 2024

**का.आ. 1357.**—केंद्र सरकार, एतद् द्वारा, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तेलंगाना राज्य सरकार की अधिसूचना सं. जी.ओ. एमएस. सं. 15, दिनांक 16.03.2024 और शुद्धिपत्र अधिसूचना सं. जी.ओ. एमएस. सं. 22, दिनांक 04.04.2024, गृह (विशेष) विभाग के माध्यम से जारी सम्मति से श्री ए. नागेंदर, वरिष्ठ एसोसिएट एवं रोकड़ प्रभारी, भारतीय स्टेट बैंक, नरसापुर, मेडक, तेलंगाना एवं अज्ञात लोक सेवकों और गैर-सरकारी व्यक्तियों के विरुद्ध भारतीय दंड संहिता की धारा 120बी सपठित धाराएं 420, 409, 477ए & भ्रष्टाचार निवारण अधिनियम 1988 (1988 का केंद्रीय अधिनियम संख्या 49) (वर्ष 2018 में यथा संशोधित) की धारा 13(2) सपठित धारा 13(1)(ए) के तहत दर्ज सीबीआई मामला आरसी.14(ए)/2022 का तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 02.09.2022 से) समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/28/2024-एवीडी- II]

कुंदन नाथ, अवर सचिव

New Delhi, the 3rd May, 2024

**S.O. 1357.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act XXV of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification G.O.Ms.No.15 dated 16.03.2024 and Corrigendum G.O.Ms.No.22 dated 04.04.2024, Home (Special) Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 02.09.2022) in the whole State of Telangana in CBI case RC.14(A)/2022 registered under Section 120 B read with Section 420, 409 of IPC & Section 13 (2) read with 13 (1)(a) of P.C. Act, 1988 (Central Act No. 49 of 1988) (as amended in 2018) for investigation regarding the case against Sri A. Nagender, Senior Associate and Cash in-charge, SBI Narsapur, Medak Telangana and unknown public servants and private persons and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/28/2024-AVD-II]

KUNDAN NATH, Under Secy.

### स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 28 जून, 2024

**का.आ. 1358.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, स्वास्थ्य और परिवार कल्याण मंत्रालय के निम्नलिखित अधीनस्थ कार्यालय जिसमें 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा भारत के राजपत्र में अधिसूचित किया जाता है:-

1. राष्ट्रीय जन स्वास्थ्य प्रशिक्षण और अनुसंधान संस्थान (एनआईपीएचटीआर), मुंबई (महाराष्ट्र)

2. अपर निदेशक का कार्यालय, केंद्रीय सरकार स्वास्थ्य योजना (सीजीएचएस), अहमदाबाद (गुजरात)
3. अखिल भारतीय आयुर्विज्ञान संस्थान (एम्स), रायपुर (छत्तीसगढ़)

[फा. सं. ई-11013/19/2021-हिंदी (खंड-4)]

वंदना जैन, संयुक्त सचिव

### MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 28th June, 2024

**S.O. 1358.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 (as amended in 1987), the Central Government hereby notifies the following subordinate offices of the Ministry of Health and Family Welfare whose 80% staff have acquired working knowledge of Hindi, in the Gazette of India.

1. National Institute of Public Health Training and Research (NIPHTR), Mumbai (Maharashtra)
2. Office of the Additional Director, Central Government Health Scheme (CGHS), Ahmedabad (Gujarat)
3. All India Institute of Medical Sciences (AIIMS), Raipur (Chhattisgarh)

[F. No. E-11013/19/2021-Hindi (Pt.-4)]

VANDANA JAIN, Jt. Secy.

### आवासन और शहरी कार्य मंत्रालय

नई दिल्ली, 3 जुलाई, 2024

**का.आ. 1359.**—केंद्रीय सरकार एतद्वारा आवासन और शहरी कार्य मंत्रालय के प्रशासनिक नियंत्रणाधीन केंद्रीय लोक निर्माण विभाग के निम्नलिखित कार्यालयों, जिनके 80% से अधिक अधिकारियों और कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम-10 के उप-नियम (4) के अंतर्गत अधिसूचित करती है:

1. अधीक्षण अभियंता, मुंबई-1, केंद्रीय लोक निर्माण विभाग, 5 वीं मंजिल, ओल्ड सी.जी.ओ., 101, महर्षि करवे रोड, न्यू मरीन लाइन्स, मुंबई-400020 (महाराष्ट्र)
2. कार्यपालक अभियंता (सिविल), कार्यालय मुख्य अभियंता, केलोनिवि, बी-विंग, प्रथम तल, केंद्रीय सचिवालय भवन, सेक्टर-24, अटल नगर, नया रायपुर-492018 (छत्तीसगढ़)
3. कार्यालय कार्यपालक अभियंता (वैद्युत), कार्यालय मुख्य अभियंता, केलोनिवि, बी-विंग, प्रथम तल, केंद्रीय सचिवालय भवन, सेक्टर-24, अटल नगर, नया रायपुर-492018 (छत्तीसगढ़)
4. कार्यालय कार्यपालक अभियंता, जगदलपुर मंडल, केंद्रीय लोक निर्माण विभाग, हरिश्चंद्र विला, गर्ल्स पॉलिटैकनिक रोड, अटल आवास कालीपुर के सामने, जगदलपुर-494001 (छत्तीसगढ़)
5. कार्यालय कार्यपालक अभियंता-मसूरी, केंद्रीय लोक निर्माण विभाग, कौटिल्य भवन, लाल बहादुर शास्त्री राष्ट्रीय प्रशासन अकादमी, मसूरी-248179 (उत्तराखण्ड)
6. कार्यपालक अभियंता एवं वरिष्ठ प्रबंधक (वैद्युत), लेह परियोजना वैद्युत मण्डल, निर्माण कुटीर, चोगलमसार, निकट जिला कारागृह, लेह-194104 (लद्दाख)
7. कार्यालय कार्यपालक अभियंता एवं वरिष्ठ प्रबंधक, कारगिल परियोजना मण्डल-1, चोगलमसार-194104 (लद्दाख)
8. कार्यपालक अभियंता एवं वरिष्ठ प्रबंधक, लेह परियोजना मण्डल-3, केंद्रीय लोक निर्माण विभाग चोगलमसार, निकट जिला कारागृह लेह -194104 (लद्दाख)
9. मुख्य अभियंता सह कार्यकारी निदेशक, लेह परियोजना अंचल, निर्माण कुटीर, केंद्रीय लोक निर्माण विभाग, चोगलमसार, निकट जिला कारागृह, लेह-194104 (लद्दाख)

[फा. सं. ई-11017/5/2013-हिंदी]

दिनेश कपिला, आर्थिक सलाहकार



**MINISTRY OF HOUSING AND URBAN AFFAIRS**

New Delhi, the 3rd July, 2024

**S.O. 1359.**—In pursuance of Sub-rule (4) of Rule 10 of Official Language (Use for official purpose of the Union) Rule, 1976, the Central Government hereby notifies the following offices of the Central Public Works Department under administrative control of Ministry of Housing & Urban Affairs, where more than 80% of officers/employees have attained working knowledge of Hindi:

1. Superintending Engineer, Mumbai-1, CPWD, 5<sup>th</sup> Floor, Old CGO, 101, M.K.Road, New Marine Lines, Mumbai-400020 (Maharashtra)
2. Executive Engineer (Civil), Office of The Chief Engineer, CPWD, 'B'-Wing, First Floor, Central Secretariat Building, Sector-24, Atal Nagar, Naya Raipur-492018 (Chattisgarh)
3. Executive Engineer (Electrical), Office of The Chief Engineer, CPWD, 'B'-Wing, First Floor, Central Secretariat Building, Sector-24, Atal Nagar, Naya Raipur-492018 (Chattisgarh)
4. Office of The Executive Engineer Jagdalpur Division, CPWD, Harishchandra Villa, Girls Polytechnic Road, Opposite Atal Awas Kalipur, Jagdalpur-494001 (Chattisgarh)
5. Office of The Executive Engineer-Mussoorie, CPWD, Kautliya Bhawan, Lal Bahadur Shastri National Academy Of Administration, Mussoorie-248147 (Uttarakhand)
6. Executive Engineer & Senior Manager (Electrical), Leh Project Electrical Division, Nirman Kuteer, Choglamar, Near District Jail, Leh-194104 (Ladakh)
7. Office of The Executive Engineer & Senior Manager, Kargil Project Division-1, Choglamsar, Leh-194104 (Ladakh)
8. Executive Engineer & Senior Manager, Leh Project Division-3, CPWD, Choglamar, Near DISTRICT Jail, Leh-194104 (Ladakh)
9. Chief Engineer cum Executive Director, Leh Project Zone, Nirman Kuteer, Choglamar, Near District Jail, Leh-194104 (Ladakh)

[F. No. E-11017/5/2013-Hindi]

DINESH KAPILA, Economic Advisor

**पैट्रोलियम और प्राकृतिक गैस मंत्रालय**

नई दिल्ली, 2 जुलाई, 2024

**का.आ. 1360.**—पैट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसमें इसके बाद उक्त अधिनियम कहा गया है) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार एतद्वारा, कर्नाटक राज्य में मैसर्स इंडियन ऑयल कॉर्पोरेशन लिमिटेड की एन्नोर - तिरुवल्लूर - बेंगलुरु - पुडुचेरी - नागापट्टिनम - मदुरै - तूतीकोरिन प्राकृतिक गैस पाइपलाइन (ईटीबीपीएनएमटीपीएल) परियोजना के लिये पैट्रोलियम और खनिज पाइपलाइन (भूमि में प्रयोक्ता के अधिकार का अर्जन) अधिनियम, 1962 के तहत श्री राजांशु रंजी, परिचालन प्रबंधक, मैसर्स इंडियन ऑयल कॉर्पोरेशन लिमिटेड, दक्षिणी क्षेत्र पाइपलाइन्स को श्री शहीम एम., मुख्य परिचालन प्रबंधक, मैसर्स इंडियन ऑयल कॉर्पोरेशन लिमिटेड, दक्षिणी क्षेत्र पाइपलाइन्स के स्थान पर सक्षम प्राधिकारी के कार्यों का निर्वहन करने के लिये प्राधिकृत करती है।

2. यह अधिसूचना इसके जारी होने की तिथि से प्रभावी होगी।

[फा. सं. एल-14014/5/2021-जीपी-II (ई-47655)]

रामजीलाल मीना, अवर सचिव

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 2nd July, 2024

**S.O. 1360.**—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter called the said Act), the Government of India hereby

authorizes Shri Rajanshu Ranjee, Operations Manager, M/s. Indian Oil Corporation Limited (IOCL), Southern Region Pipelines in place of Shri Shaheem M., Chief Operations Manager, M/s. Indian Oil Corporation Limited, Southern Region Pipelines to perform the functions of Competent Authority under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 for Ennore – Thiruvallur – Bengaluru – Puducherry – Nagapattinam – Madurai – Tuticorin Natural Gas Pipeline (ETBPNMTPL) Project of M/s. Indian Oil Corporation Limited in the State of Karnataka.

2. This notification will be effective from the date of its issue.

[F. No. L-14014/5/2021-GP-II (E-47655)]

RAMJI LAL MEENA, Under Secy.

### उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

#### (खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 9 जुलाई, 2024

**का.आ. 1361.**—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत या उससे अधिक कर्मचारीवृन्द ने हिन्दी का प्रवीणता/कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है:-

क्र.सं.	अधिसूचित किए जाने वाले कार्यालय
1.	भारतीय खाद्य निगम, क्षेत्रीय कार्यालय, अमरावती
2.	भारतीय खाद्य निगम, मंडल कार्यालय, विजयवाड़ा
3.	भारतीय खाद्य निगम, मंडल कार्यालय, कर्नूल
4.	भारतीय खाद्य निगम, मंडल कार्यालय, ताडेपल्लीगुडेम (एलूरु)
5.	भारतीय खाद्य निगम, मंडल कार्यालय, श्रीकाकुलम

[फा. सं. ई-11011/1/2008-हिंदी(321924)]

राजेन्द्र कुमार, संयुक्त सचिव

### MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

#### (Department of Food and Public Distribution)

New Delhi, the 9th July, 2024

**S.O. 1361.**—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution), whereof 80% or more staff have acquired the working knowledge of Hindi:

S. No.	Offices to be notified
1	Food Corporation of India, Regional Office, Amaravati
2	Food Corporation of India, Divisional Office, Vijayawada
3	Food Corporation of India, Divisional Office, Kurnool
4	Food Corporation of India, Divisional Office, Tadepalligudem (Eluru)
5	Food Corporation of India, Divisional Office, Srikakulam

[F. No. E-11011/1/2008-Hindi(321924)]

RAJENDER KUMAR, Jt. Secy.

**श्रम और रोजगार मंत्रालय**

नई दिल्ली, 7 अप्रैल, 2023

**का.आ. 1362 A.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 50/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/04/2023 को प्राप्त हुआ था।

[सं. एल-22012/283/2004-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 7th April, 2023

**S.O. 1362 A.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 50/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **07/04/2023**.

[No. L-22012/283/2004 –IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
ASANSOL**

**PRESENT :** Shri Ananda Kumar Mukherjee,  
Presiding Officer  
CGIT-cum-LC, Asansol

**REFERENCE NO. 50 OF 2005**

**PARTIES :** Sahabuddin Mia  
v/s  
Management of Chora 10 Pits Colliery under Kenda Area of M/s. ECL

**REPRESENTATIVES :**

For the union/Workman: Vice President, Janta Colliery Mazdoor Congress

For the Management of M/s. ECL: Mr. P. K. Das, learned advocate

**INDUSTRY:** Coal**STATE :** WEST BENGAL**Dated :** 07.02.2023**A W A R D**

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947, the Central Government through Ministry of Labour vide its order No. L- 22012/283/2004-IR(CM-II) dated 08/07/2005 has been pleased to refer the following dispute between the employers, i.e. the Management of M/s. ECL and their workman for adjudication by this Tribunal.

**SCHEDULE**

*'Whether the action of the management of Chora 10 Pits Colliery under Kenda Area of M/s Eastern Coalfields Limited in dismissing Sh. Sahabbudin Mia, P. R. Trammer, U.M. No. 704610 from services w.e.f. 10.1.2003 is legal and justified? If not, to what relief the workman is entitled?'*

1. After receipt of order No. L-22012/283/2004-IR(CM-II) dated 08/07/2005 of the aforesaid Reference formulated by Ministry of Labour, Government of India, New Delhi for adjudication, a Reference case No. 50 of 2005 was registered on 17/08/2005. Notice was issued to parties under registered post directing them to appear and file their written statements along with relevant documents and respective list of witnesses they would like to rely upon.
2. The case was fixed up on 31/01/2023 for appearance of the workman and for evidence of Management Witness as last chance. Mr. P. K. Das, learned advocate for ECL appeared for Chora 10 Pits Colliery. A copy of office order dated 15/16.07.2019 along with a Memorandum of Settlement in Form 'H' dated 04/12/2018 was filed in respect of reinstatement of Sahabuddin Mia.
3. On repeated call, workman Sahabuddin Mia as well as Vice President, Janta Colliery Mazdoor Congress were found absent.
4. This Industrial Dispute under clause (d) of sub section (1) and (2A) of Section 10 of Industrial Dispute Act, 1947 was referred to this Tribunal for adjudicating the question regarding justification and legality of dismissal of Sahabuddin Mia from service. On perusal of office order dated 15/16.07.2019 as well as Memorandum of Settlement, it appears that Sahabuddin Mia was dismissed on account of unauthorized absence from duty from 28/12/2001. He has been reinstated in service after approval of the competent authority of the company. The period of his absence on account of dismissal till reinstatement was treated as 'dies non' and no back wages were paid. In view of such settlement this reference case is disposed of. An Award be drawn up treating the Memorandum of Settlement in form 'H' dated 04/12/2018 in two pages as part of Award.

Hence,

#### ORDER

The reference case is accordingly disposed of. An Award be drawn up in respect of the above Reference treating the Memorandum of Settlement as part of the Award. Let copies of the Award in duplicate be sent to the Ministry of Labour & Employment, Government of India, New Delhi for information and notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 24 जून, 2024

**का.आ. 1363.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 30/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/06/2024 को प्राप्त हुआ था।

[सं. एल-22012/65/2022-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 24 June, 2024

**S.O. 1363.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No.30/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **24/06/2024**.

[No. L-20012/65/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 30 OF 2022****PARTIES:**

Bisundeo Singh

Vs.

Management of Central Kajora Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman: Mr. Milan Kumar Bandyopadhyay, Advocate.

For the Management of ECL: Mr. P. K. Das, Advocate.

**INDUSTRY:** Coal.**STATE:** West Bengal.**Dated:** 21.05.2024**A W A R D**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/65/2022-IR(CM-II)** dated 04.07.2022 has been pleased to refer the following dispute between the employer, that is the Management of Central Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“ Whether the action of the Management of Central Kajora Colliery, Kajora Area, M/s. E.C. Ltd. in terminating services of Sri Bisundeo Singh, Ex-Pump Operator vide letter no. KA/APM/C-6/10/45 dated 29.12.2016/07.01.2017 is proper, legal and justified? If not, what relief the workman is entitled to? ”*

1. On receiving Order **No. L-22012/65/2022-IR(CM-II)** dated 04.07.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 30 of 2022** was registered on 04.07.2022 / 01.08.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Bisundeo Singh, dismissed workman has appeared accompanied by Mr. M. K. Bandyopadhyay, learned advocate. Mr. P. K. Das, learned advocate has appeared for the management of Eastern Coalfields Limited. The case is fixed up today for appearance and cross-examination of workman witness. At this stage, Bisundeo Singh has filed an application supported by an affidavit stating that he is not inclined in proceeding with this Industrial Dispute and like to withdraw the case against the management. He has further stated that he has no grievance if No Dispute Award is passed. In the application workman has prayed for disposing of the Industrial Dispute. Heard learned advocates for both parties.

3. After issuing Notice under registered post, written statements were filed by both parties. Bisundeo Singh filed affidavit-in-chief on 28.03.2023. This case relates to his objection against termination from service by letter No. KA/APM/C-6/10/45 dated 29.12.2016 / 07.01.2017. Since the workman has no grievance against order of dismissal passed and not inclined to proceed, the Industrial Dispute is dismissed for non-prosecution. Let a No Dispute award be drawn up.

Hence,

**ORDERED**

that the Industrial Dispute is dismissed. A No Dispute Award be drawn up. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 2 जुलाई, 2024

**का.आ. 1364.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बर्ड वर्ल्डवाइड फ्लाइट सर्विसेज प्राइवेट लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नं. II, नई दिल्ली के



पंचाट (आई डी नम्बर 179/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02/07/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई. आर. (सीएम-1)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2024

**S.O. 1363.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID No. 179/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court NO.II, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **Bird Worldwide Flight Services Pvt.Ltd.** and their workmen, received by the Central Government on **02/07/2024**.

[No. L-20013/01/2024 – IR (CM-I)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

**BEFORE SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL-CUM-LABOUR COURT NO-II, NEW DELHI**

**I.D. No. 179/2015**

**Sh. Deepak Kumar**

**C/O G-160, First Floor,**

**Dilshad Colony,**

**Delhi-110095.**

#### VERSUS

**1. THE Management of**

**M/S Bird Worldwide Flight Services India Pvt. Ltd.**

**E-9, Connaught House,**

**Connaught Place,**

**New Delhi-110001.**

#### AWARD

Sh. **M.K. Singh, Section Officer** has sent the reference refer dated 23.11.2015 to this tribunal for adjudication in the following words:

*“Whether the claim of the workman Sh. Deepak Kumar that his services are terminated by the Management of M/s Bird Worldwide Flight Services (I) Pvt. Ltd. w.e.f. 28.12.14 without complying with the provisions of ID Act, 1947 is legal and justified? To what relief the concerned workman is entitled to?”*

After receiving the above said reference notices were sent to both the parties. Both the parties appeared and claimant AR had filed the claim statement on behalf of the workman. It is the case of the workman that he had joined the services of the management in the year 2011 at the post of Loader. His employee code is BELD 0168. He had an unblemished record of service with the management. The management has been harassing the workman on account of his trade union activities. The management refused to take the workman on duty w.e.f. 28.12.2014 alleging that he was indulged in some mis-conduct. The workman reported for duty regularly after his services were terminated on 28.12.2014 but the management refused to reinstate him in service. That the workman sent a registered demand notice to the management on 06.04.2015, however, the management has not given any response to the same. After the illegal termination workman is jobless. He has gone to the conciliation officer, but, no result was yielded. Hence he has filed the claim.

Management-1 appeared and filed his respective W.S and denied the averment made in the statement of claim.

Issues have been framed vide letter dated 25.01.2017 that is given below:

1. Whether the claim of the workman Sh. Deepak Kumar that his services were terminated by the management of M/S Bird Worldwide Flight Services Pvt. Ltd. w.e.f 28.12.12 without complying with the provisions of I.D. Act 1947 is legal and justified? If so, its effects?
2. If yes, to what relief workman Sh. Deepak Kumar is entitled to ?

Claimant is asked to prove his case. However, despite providing a number of opportunities, claimant has not turned up to prove his claim. Moreover, the present claim has been filed against the respondent i.e. **Bird Worldwide Flight Services India Pvt. Ltd.**, where the respondent has not come within the definition of the Central Government that is given below:

Section-2 a of I.D Act (hereinafter is called as an Act) define the expression 'appropriate government'.

Appropriate government is the central government in relation to any industrial dispute which pertain to any industry carried on by all under the authority of central government.

Section-2(a)(1) of the Act give the detail expression of covering the industry which falls under the definition of central government controlled industry. It is reproduced

*'in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, or by a railway company [or concerning any such controlled industry as may be specified in this behalf by the Central Government] or in relation to an industrial dispute concerning [a Dock Labor Board established under Section 5A of the Dock workers (Regulation of Employment) Act, 1948 (9 of 1948), or [the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)] or the Employees State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees Provident Fund and Miscellaneous provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or [the Oil and Natural Gas Corporation Limited registered under the companies Act, 1956 (1 of 1956)], or the Deposit Insurance and Credit Guarantee Corporation establish under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporations of India established under section 3, or a Board of Management established for two or more contiguous States under section 16, of the Food Corporation Act, 1964 (37 of 1964), or [the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994), or a Regional Rural banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited], [the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987)], or [[an air transport service, or a banking or an insurance company,] a mine, an oil field,] [a cantonment Board,] or a [major port, any company in which not less than fifty-one percent of the paid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to established by or under any law made by parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, and]*

In view of the above circumstances on both counts, claim of the claimant resulted into dismissal. Dismissal award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

ATUL KUMAR GARG, Presiding Officer

Date: 07.05.2024

नई दिल्ली, 2 जुलाई, 2024

**का.आ. 1365.—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 37/2011) को प्रकाशित करती है।

[सं. एल-22012/59/2011-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 2nd July, 2024

**S.O. 1365.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 37/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen.

[No. L-22012/59/2011 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: **Sri IRFAN QAMAR**  
Presiding Officer

Dated the 23<sup>rd</sup> day of January, 2024

#### INDUSTRIAL DISPUTE No. 37/2011

Between:

The General Secretary

(Sri V. Seetharamaiah)

Singareni Collieries Workers Union (AITUC)

Ramakrishnapur – P.O. 504301.

Adilabad dist..

..... Petitioner Union

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Mandamari Divn., Mandamarri – 504231.

Adilabad Dist..

.... Respondent

Appearances:

For the Workman : Sri K. Vasudeva Reddy , Advocate

For the Respondent: Sri Y. Ranjith Reddy, Advocate

#### AWARD

The Government of India, Ministry of Labour by its order No. L-22012/59/2011-IR(CM-II) dated 22.6.2011 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workers Union. The reference is,

#### SCHEDULE

“Whether the action of the management of Singareni Collieries Company Ltd., Mandamarri Division in reverting Shri Md. Mahaboob Ali from Loader Operator to M.V. Driver Cat.5 w.e.f. 15.3.2007 is justified? To what relief the concerned workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 37/2011 and notices were issued to the parties concerned.

2. **The averments made in the claim statement are as follows:**

It is submitted that initially the Singareni Collieries Workers Union AITUC branch of Ramakrishnapur, rep. by General Secretary has raised the Industrial Dispute with regard to the punishment imposed on the Workman by the Respondent Management Vide proceedings MMR/TER/10/072/1350 dt. 12.3.2007 w.e.f. 15.3.2007. It is submitted that the Workman had been appointed in the Respondent organization in the year 1975 and has been serving the company for the last 30 years. It is submitted that while so on the relevant date of 10.6.2006 the Respondent Management had instructed the Workman to perform the duty as Loader Operator that RKPCSP in the second shift to fill the ditches with the front end loader at New Sale Gallery by the superiors, the SC have instructions to the Workman to do such work. It is submitted that the Workman attended the stock coal lifting work attended the filling of ditches with the front end loader at the new gallery through open yard screen house and the Workman was not allotted any assistant nor mazdoor, on that day of 10-6-2006 his mazdoor Allam Pavaiah was allotted the work of lorry pin mazdoor at distance of 8 kilometers, when the Workman after completing the work while bringing the said vehicle back to the park yard. It is submitted that the alleged allegation leveled against the Workman by the Respondent management is that while the said vehicle is bringing back to the parking yard that on mazdoor has met with accident of the said vehicle wherein the said mazdoor seems to be expired. It is submitted that it seems that the alleged deceased might have slept over on the heap of hole after consuming the alcohol at about 9.30 pm. But the alleged incident had taken place at about 11.30 pm, at that time the deceased might have died by consuming the alcohol, for the purpose of safeguarding his family interest for the payment of death benefits to the deceased family the Workman had wrongfully indulged in the said crime wherein it was registered by the concerned S.H.O. i.e., Srirampur in Crime No.76/2006 wherein a charge sheet was filed in C.C.No.921 of 2008 before the First Additional Judicial First Class Magistrate, Mancherial wherein the said charge sheet was ended in acquittal wherein the prosecution failed to prove the guilt against the accused Workman, hence it is admitted fact that the allegations leveled against the Workman in toto are false. It is submitted that in so far as the departmental enquiry is concerned the Respondent organization had framed the charges against the Workman herein and imposed a punishment against the Workman by reverting him to the post of M.V. Driver Category-5 wherein the Workman lost the remuneration in his basic pay from Rs. 12,289/- to Rs.5,975/- i.e. the minimum pay scale of motor vehicle driver of category-5 by which the Workman is losing Rs. 10,000/- per month permanently and wherein after his retirement also there was an abnormal reduction in retirement benefits and as well as the pensionary benefits wherein the Workman had retired from the services w.e.f. 30-6-2011, by which the Workman is foregoing his pre-retirement benefits and as well as retirement benefit to a tune of Rs.9 to 10 lakhs from the date of punishment by reverting to the post of Motor Vehicle Driver Category-5, for safeguarding the interest of the deceased person the Workman has been made to suffer forego of a huge amount for the unlawful action of the management, thus there is no justification in imposing the punishment by the Respondent management in reverting the Workman from loader operator to M.V. Driver Category-5 w.e.f. 15-3-2007. Therefore, prayed for declaration that the action of the Management in reverting the Workman from loader operator to M.V. Driver Category-5 w.e.f. 15.3.2007 and consequently set aside the same and direct the Respondent Management to pay the salary and allowances of a Loader Operator w.e.f. 15-3-2007 and also the consequential retirement benefits including gratuity and payment of pension etc. which the Workman is eligible together with costs.

3. **Respondent filed counter refuting the allegations/ averments of the Workman as under:**

Respondent has filed counter refuting the allegations of the claim statement filed by the Workman and denied the averments made in the claim petition are denied except those that are admitted herein and Workman is put to strict proof of the same. Further, Respondent submitted that the Workman was appointed into the services of the Respondent Company on 09.08.1975 and his date of birth is 01.07.1951 and thus he attained the age of superannuation i.e. 60 years by 30.06.2011 and hence he was retired from the services of the Respondent Company. It is to submit that on 10.06.2006 the Workman Sri Md. Mehaboob Ali, EC 2646357, Loader Operator, RKP CSP, Mandamari Area was on duty in II shift. The Shift Incharge allotted him the job of operating the Front End Loader and instructed him to load and lift two Lorries of shale located at shale bunker initially and to lift stock coal at stock coal yard till second shift ending. The Superintendent Engineer CSP RKP further reiterated the above instructions with specific condition to carry out the stock coal lifting up to shift end. The Workman was also given one assistant by name Sri Allam Pavaiah, Bunker Chain Mazdoor to assist him by giving signals to operate Front End Loader forward and backward. The Workman stopped attending to stock coal lifting at 9.00 p.m. on his own and parked the Front End Loader in the shed. At about 9.10 p.m. again he operated the Front End Loader and taken the loader to the newly being constructed shale gallery through open yard screen house unauthorizedly and even without utilizing the services of the assistant provided to him and carried out earthen work of private contractor. At about 9.45 PM while he was bringing back the loader to the parking yard after attending to Contractor work unauthorizedly, he operated Front End Loader rashly and negligently, thereby ran over Sri Boddupalli Lingaiah, Shale Picking Mazdoor of third shift, sleeping in open yard screen house. Due to the above action Sri Boddupalli Lingaiah crushed to death. Immediately after the above incident, the Workman was transferred from RKP CSP to RRRT/MM vide office order No.MMR/ PER/T/046/3838, dated 17.06.2006. He was accordingly, relieved on 17.06.2006 at RKP CSP vide letter No. MMR/RKPCSP/06/TR/801, dated 17.06.2006 with an advice to report to In-charge RRRT/ Mandamarri

19.06.2006. Accordingly he reported for duty at RRRT/MM on 27.06.2007 as per letter No. MMR/MRS/ 14/ 06/309, dated 27.06.2006. It is to further submit that since the misconduct committed being serious in nature, the Workman was issued charge sheet No.MMR/ MRS/ 17/06/3 10, dated 27.06.2006 for misconduct under Company's Standing Order Nos. 25.3, 25.5, 25.15 and 25.23, which read as follows:

"25.3- Willful insubordination or disobedience whether alone or in conjunction with another or others of any lawful or reasonable order of a superior.

25.5- Neglect of work.

25.15-Unauthorised use or occupation of company's bungalow / quarter / buildings and / or land and any of such property in the custody of the company.

25.23- Any willful and deliberate act which is of subversive discipline or which may be detrimental to the interest of the company."

The Workman acknowledged receipt of the charge sheet and submitted his written explanation dated 30.06.2006 which was considered to be not satisfactory. As the explanation submitted by the charge sheeted employee was found to be not satisfactory, an enquiry into the charges leveled against him was ordered by appointing an Enquiry Officer. The Enquiry Officer conducted the enquiry proceedings 17.08.2006 and subsequently on different dates and finally on 06.01.2007 giving the Workman full and fair opportunity to conduct his defense. On the basis of evidence adduced before the Enquiry Officer, he submitted the report holding that the charges leveled against the Workman are proved and he was found guilty of charges leveled under Company's Standing Orders No.25.3, 25.5, 25.15 and 25.23. It is submitted that the Workman was supplied with copy of enquiry report and proceedings vide letter No. MMR/ PER/D/072 /875, dated 15.02.2007, giving him seven days time to enable him to make his written representation, if any, against the findings contained in the enquiry report. The Workman vide his letter dated 21.02.2007 represented for extension of time by 30 days on the plea that the report is very huge and Contents are unilateral and to understand, it will take time. Considering his representation, he was given 15 days time vide letter No. MMR/ PER/D/072/ 1038, dated 23.02.2007. Again the Workman vide his application dated 07.03.2007 requested further more time of 15 days on the plea that he is an illiterate and could not submit his explanation on his own and depending upon others. In response to his representation dated 07.03.2007, he was informed vide letter No. MMR/ PER/D/072/ 1275, dated 09.03.2007 that on different pleas he was trying to prolong time and that his pleadings do not merit any consideration for extension of time. The Workman then submitted his written representation dated 12.03.2007 wherein he stated that "even assuming without admitting that any accident took place in my duty it is common knowledge that in a motor accident case willful and deliberate act is not imputed. Attributing such a motive is not only hasty but detrimental to the morale of a driver of a motor vehicle." It is to submit that in the Respondent Company the employees attend to their duties at units in three shifts. The employee when reports for duty should book "IN" muster and while going after duty hours should book "OUT" muster, but the Workman on 10.06.2006 did not book his OUT Muster, which indicates the fact that the Workman having got the knowledge of the accident that occurred because of his negligent driving of the loader and about the fatality to Sri Boddupalli Lingaiah, Shale Picking Mazdoor, left the premises of the CSP without informing anybody. Therefore, prayed to dismiss the claim as devoid of merit.

4. Petitioner has filed photocopies of order passed in CC No.921/2008 in support of his claim. Respondent has also filed photocopies of Post mortem examination and its report, FIR, statement of Bodduvelli Kumar and Allam Pavaiah, charge sheet, reply to charge sheet, enquiry proceeding, enquiry report, show cause notice, acknowledgement to show cause notice, explanation to show cause notice, photos of incident in sealed cover and order or punishment etc..

**5. On the basis of rival contentions and pleadings of both the parties, following issues emerge for determination in this case:-**

- I Whether the Departmental Enquiry held against the Workman by the Respondent is legal and valid?
- II. Whether the action of the Management of M/s. Singareni Collieries Company Ltd., Mandamarri Division in reverting the workman Sri Mohd. Mahboob Ali from Loader Operator to M.V. Driver, Cat-5 w.e.f.15.3.2007 is justified?
- III. To what relief the Workman is entitled?

#### **FINDINGS:**

6. **Point No.I:** The Departmental Enquiry conducted against the Workman by the Respondent Management has been held legal and valid vide order dated 7.6.2018 by the Tribunal.

Thus, Point No.I is decided accordingly.

7. **Point No.II:** Workman has taken the plea that on 10.6.2006 the Respondent Management instructed Workman to perform the duty as Loader Operator RKPCSP in the second shift to fill the ditches with the front end loader at New Sale Gallery. In compliance of said instruction, Workman attended the stock coal lifting work and



filling of ditches with the front end loader at the new gallery through open yard screen house. While for doing said work Workman was not allotted any assistant nor mazdoor, on that day. Workman further claims that on 10.6.2006 one mazdoor Allam Pavaiah was allotted the work of lorry pin at distance of 8 kilometers, and when Workman after completing his work, while bringing the said vehicle back to the parking yard, one mazdoor who was sleeping in the parking yard after consuming alcohol and he might have expired due to excessive dose of alcohol. While Respondent alleged that said mazdoor Sri Boddu Lingaiah died due to accident with Petitioner Workman, Loader Operator. Further Workman Claims that it seems Sri Boddu Lingaiah, the alleged deceased might have slept over on the heap of hole after consuming the alcohol at about 9.30 pm and expired due to excessive alcohol. Petitioner Workman further claims that alleged incident had taken place at about 11.30 pm, and by that time the deceased might have died by consuming alcohol and for the purpose of safeguarding family interest of the deceased for the payment of death benefits to his family, Respondent had wrongfully indulged the Workman in the said incident/crime. In this matter, crime case was registered by the concerned S.H.O. i.e., Srirampur in Crime No.76/2006 wherein a charge sheet was filed against Workman in C.C.No.921 of 2008 before the First Additional Judicial First Class Magistrate, Mancheri and in the said charge sheet Workman was acquitted as the prosecution failed to prove the guilt against the accused Workman. The Workman claims that it is admitted fact that the allegations leveled against the Workman in toto are false and consequently, punishment imposed upon the Workman by Disciplinary Authority in the said incident is also not sustainable and liable to be set aside.

8. In reply, the Learned Counsel for Respondent has contended that on 10.6.2006 in second shift the Workman was on duty and in the duty hours Workman engaged himself in the work of private contractor unauthorizedly and after attending the work of private contractor, while he was bringing back the loader to the parking yard, he operated Front End Loader rashly and negligently, thereby ran over Sri Boddupalli Lingaiah, Shale Picking Mazdoor of third shift, sleeping in open yard screen house and due to the above negligent act of Workman, Sri Boddupalli Lingaiah died on the spot. Further, Respondent contended that the contention of the Workman that the deceased might have consumed alcohol and might have died by consuming alcohol is not correct as in the Post Mortem Examination report of deceased Boddupalli Lingaiah held at Government Area Hospital, Mancheri, the Doctor concerned has opined that the cause of death was cardio-respiratory arrest due to shock and hemorrhage due to multiple injuries to head, chest and limbs. Thus, the contention of the Workman that the deceased had died due to consumption of alcohol is not correct. Further Respondent contended that, the Workman's plea that the charge sheet was filed against him in CC No.921 of 2008 before the First Additional Judicial First Class Magistrate, Mancheri wherein the said charge sheet has been ended in acquittal, as the prosecution failed to prove the guilt against the accused, hence the allegations levelled against the Workman are false, in this context the Workman is put to strict proof. As per settled Labour Court in the criminal case the charges should be proved beyond reasonable doubt whereas in the domestic enquiry mere preponderance of probabilities is sufficient to prove the charges. The Workman cannot compare the proceedings in the criminal case with that of domestic enquiry. Therefore, the plea of the Workman that he has been acquitted from criminal charge, thus, he is also liable to be exonerated from the charge in the Departmental Enquiry is total fallacy and untenable.

9. Before examining the contention of the Workman as well as of the Respondent in the present case, it would be apposite to discuss the settled law regarding principle of burden of proof in the case of criminal prosecution vis-a- vis domestic enquiry as laid down by Hon'ble Apex Court in its decisions from time to time.

In the case of **Suresh Pathrella Vs. Oriental Bank of Commerce 2006(10) SCC 572**, Two Judge Bench of Hon'ble Apex Court differentiated the Principle of Burden of Proof between domestic enquiry and criminal trial in the following term:-

*"The yard stick and tender of proof in a criminal case is different from the Disciplinary Proceeding. While the standard of proof in a criminal case is beyond all reasonable doubt, the proof in a departmental proceeding is preponderance of probabilities."*

**In the case of Samar Bahadur Singh Vs. State of U.P. 2011 (9) SCC 94,, Hon'ble Apex Court have held:-**

*"Acquittal in the criminal case shall have no bearing or relevance to the facts of the departmental proceedings as the standard of proof in both the cases are totally different. In a criminal case, the prosecution has to prove the criminal case beyond all reasonable doubt whereas in a departmental proceedings, the department has to prove only preponderance of probabilities."*

Further, in the matter of acquittal of employee in criminal charges and its effect on Departmental Proceeding, **Hon'ble Apex Court in the case of Southern Railway Officers Association Vs. Union of India, SCC page 24** have held:

*"37. Acquittal in a criminal case by itself cannot be a ground for interfering with an order of punishment imposed by the disciplinary authority. The High Court did not say that the said fact had not been taken into consideration. The revisional authority did so. it is now a well-settled principle of law that the order of dismissal can be passed even if the delinquent official had been acquitted of the criminal charge."*

In the case of **Inspector General of Police Vs. S. Samuthiram SCC –page 598** a two Judge Bench of Hon'ble Apex Court have held:-

*“unless the accused has an “honorable acquittal” in their criminal trial, as opposed to an acquittal due to witnesses turning hostile or for technical reasons, the acquittal shall not affect the decision in disciplinary proceedings and lead to automatic reinstatement.”*

Further, in the said decision Hon'ble Apex Court has explained the term of honourable acquittal as extracted below:

*“26. As we have already indicated, in the absence of any provision in the service rules for reinstatement, if an employee is honourably acquitted by a criminal court, no right is conferred on the employee to claim any benefit including reinstatement. Reason is that the standard of proof required for holding a person guilty by a criminal court and the enquiry conducted by way of disciplinary proceeding is entirely different. In a criminal case, the onus of establishing the guilt of the accused is on the prosecution and if it fails to establish the guilt beyond reasonable doubt, the accused is assumed to be innocent. It is settled law that the strict burden of proof required to establish guilt in a criminal court is not required in a disciplinary proceedings and preponderance of probabilities is sufficient. There may be cases where a person is acquitted for technical reasons or the prosecution giving up other witnesses since few of the other witnesses turned hostile, etc. In the case on hand the prosecution did not take steps to examine many of the crucial witnesses on the ground that the complainant and his wife turned hostile. The court, therefore, acquitted the accused giving the benefit of doubt. We are not prepared to say that in the instant case, the Respondent was honourably acquitted by the criminal court and even if it is so, he is not entitled to claim reinstatement since the Tamil Nadu Service Rules do not provide so.” (emphasis added) 35 In the present case, the Respondent was acquitted of the charge of murder. The circumstances in which the trial led to an acquittal have been elucidated in detail above. The verdict of the criminal trial did not conclude the disciplinary enquiry. The disciplinary enquiry was not governed by proof beyond reasonable doubt or by the rules of evidence which governed the criminal trial. True, even on the more relaxed standard which governs a disciplinary enquiry, evidence of the involvement of the Respondent in a conspiracy involving the death of Bhanwar Singh would be difficult to prove. But there are, as we have seen earlier, circumstances emerging from the record of the disciplinary proceedings which bring legitimacy to the contention of the State that to reinstate such an employee back in service will erode the credibility of and public confidence in the image of the police force.”*

10. In the present matter the Workman has taken the plea that he has been acquitted in the charge sheet filed in CC No.76/2006 wherein the prosecution failed to prove the guilt against the accused. Workman in evidence has filed the copy of the judgement of his acquittal in criminal case. The perusal of the copy of judgement of Court of First Additional Judicial Magistrate of First Class in CC No.921/2008 dated 31.10.2011, reflects that Magistrate of concerned Court has returned its finding in the judgement extracted as below:-

*“That in view of no evidence as to identity of Driver, I opine the benefit of doubt shall go in favour of the accused.”*

Thus, in the said criminal case the Workman was accused and charge sheeted, has been acquitted by giving benefit of doubt by the Criminal Court due to want of evidence of relevant witness as the prosecution has failed to examine such witnesses during trial. Therefore, in view of Law laid down by Hon'ble Apex Court as discussed in preceding paragraph, 9 in the present matter the workman can not be said to have acquitted honourably and the claim of the Workman that since he had been acquitted in criminal case, have no impact/effect on the action of Disciplinary Authority in imposition of the punishment of reduction in rank to the Petitioner. Thus, the workman has been rightly held guilty of the charge in Departmental Enquiry and moreover, Departmental Enquiry has already been held legal and valid that remains unchallenged.

11. As the domestic enquiry conducted against the Workman has been held legal and valid vide order dated 7.6.2018 and no fault can be noticed in the domestic enquiry proceeding for any reason. The Workman was given full opportunity of hearing at every stage of the proceeding which he availed and he never raised any objection or complaint causing prejudice of any nature before the Enquiry Officer. He has been served with all papers, documents filed and relied upon by the Respondent in support of the charge sheet in the enquiry and he also filed his reply, cross examined the Management witnesses and examined his witnesses in enquiry proceeding and attended the proceedings. The Enquiry Officer appreciated the evidence after conclusion of the enquiry and submitted his reasoned report holding the Workman guilty of the charges. Thus, Domestic Enquiry do not suffer from any procedural lapses.

12. Once it is held that domestic enquiry is legal and valid, the next question arises for consideration is whether the punishment imposed on the Workman is just and legal or it is disproportionate to the gravity of the charges. In the present matter Workman has been found guilty of breach of Company's Standing Orders extracted as below:-

"25.3- Willful insubordination or disobedience whether alone or in conjunction with another or others of any lawful or reasonable order of a superior.

25.5- Neglect of work.

25.15-Unauthorised use or occupation of company's bungalow / quarter / buildings and / or land and any of such property in the custody of the company.

25.23- Any willful and deliberate act which is of subversive discipline or which may be detrimental to the interest of the company."

13. In this case, the charges against the Workman in the enquiry were that while in second shift on 10.6.2006, he was on duty as Load Operator at RKP, CSP and the shift incharge has allotted and instructed him to load and lift two Lorries of shale located at shale bunker initially and to lift stock coal at stock coal yard till second shift ending. Further, it was reiterated the above instructions with specific condition to carry out the stock coal lifting upto shift end. He was also given assistance of Sri Allam Pavaiah, Bunker Chain Mazdoor to assist him by giving signal to operate the Front End Loader and backward. Whereas he has stopped attending to stock coal lifting at 9 PM on his own and parked the Front End Loader in the shed. At about 9.10. pm again he operated the Front End Loader and taken the loader to the newly being constructed shale gallery being constructed through open yard screen house unauthorizedly and even without utilizing the services of the assistant provided to him and carried out earthen work of private contractor. At about 9.45 pm while he was bringing back the loader to the parking yard after attending to private contractor work unauthorizedly, he operated Front End Loader rashly and negligently, thereby ran over Sri Boddupalli Lingaiah, Shale Picking Mazdoor of third shift sleeping in open yard screen house. Due to the above stated negligent conduct of delinquent Workman-Driver of the Loader, Sri Boddupalli Lingaiah was crushed to death by Loader. On the basis of the evidence examined during the enquiry, the delinquent workman has been held guilty of committing breach of the Company's Standing Orders No.25.25 No.25.3, 25.5., 25.15, and also under 25.23 of Company's Standing Orders due to willful insubordination or disobedience of the order of the superiors and negligence in the work and deliberate act which is subversive of discipline and detrimental to the interest of the Company. Therefore, in such circumstances no employer would continue such kind of employee committing grave and serious misconducts while on duty. Thus, in the facts and circumstances of the case, the charges were being of serious in nature and that has been held proved in the Departmental Enquiry against the Workman, hence the order of imposition of punishment of reversion to the Workman by Disciplinary Authority can not be faulted with nor it can be said to be in any way disproportionate to the gravity of charges. However, the Disciplinary Authority in the present matter has taken a lenient view against the workman and has awarded the punishment of his reversion from Loader Operator to M.V. Driver, Cat- 5, as the charges proved against the Petitioner were being serious in nature. Thus, it cannot be said that the imposition of punishment of reversion to the Workman is disproportionate to the charge levelled against him.

Hon'ble Apex Court in the case of Management **Coal India Ltd. v. Mukul Kumar Choudhary Civil Appeal 5762-5763 of 2009 decided on 24.08.2009** has laid down the doctrine of principle of the imposition of the punishment in the disciplinary action. Hon'ble Apex Court have held:-

*"One of the test to be applied while dealing with the question of punishment would be: would any reasonable employer have imposed such punishment in like circumstances? Obviously, a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters before imposing punishment."*

**In the case of State of Rajasthan & Ors. Vs. Heem Singh, civil Appeal No. 3340/2020, dated 29.10.2021, Hon'ble Apex Court have held:**

*Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.*

*To determine whether the finding in a disciplinary enquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."*

Thus, in the present matter it can not be said that there was no evidence against the Workman in the enquiry to prove the charge or order of punishment is perverted as a matter of no evidence against Workman. Apart from postmortem report of deceased workman Sri Boddupalli Lingaiah died in accident from Loader which was driven by the Workman Sri Md. Mahaboob Ali at the time of accident. There are ample documentary and oral evidence on record to prove charge against Workman. Therefore, I do not find any reason to interfere in the order of punishment imposed upon the Workman. In the present matter, the Workman has been proved guilty of misconduct of willful insubordination and disobedience to superiors and negligence of work and willful deliberate act which is subversive of discipline or which may be detrimental to the interest of the Company, therefore, in such circumstances, no employer would ever tolerate such behaviour of the employee on duty. In the present matter due to misconduct of the Workman, one co-worker lost his life. In such circumstances, no interference warrants in the order of punishment of Workman.

14. In view of the fore gone discussion and law laid down by the Hon'ble Apex Court, as discussed in preceding paragraph of judgement, I am of the considered view that action of Respondent Management in reverting the Workman from the post of Loader Operator to M.V. Driver, Cat-5 is justified.

Thus, Point No. II is answered accordingly.

**15. Point No. III:** In view of the fore gone discussion and finding given at Points No. I & II, the Workman is not entitled to get any relief, hence, petition is liable to be dismissed.

Thus, Point No. III is answered accordingly.

#### AWARD

On the basis of finding given at Points No. I, II & III, it is held that the action of the management of Singareni Collieries Company Ltd., Mandamarri Division in reverting Shri Md. Mahaboob Ali from Loader Operator to M.V. Driver Cat.5 w.e.f. 15.3.2007 by imposing punishment is justified. The workman is not entitled to any relief as prayed for. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictate to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 23<sup>rd</sup> day of January, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the

Workman

NIL

Witnesses examined for the

Respondent

NIL

#### Documents marked for the Workman

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 2 जुलाई, 2024

**का.आ. 1366.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 59/2012)** को प्रकाशित करती है।

[सं. एल-22012/119/2012-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 2nd July, 2024

**S.O. 1366.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 59/2012**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen.

[No. L-22012/119/2012– IR(CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 7<sup>th</sup> day of February, 2024**INDUSTRIAL DISPUTE No. 59/2012**

Between:

The General Secretary,

(Bhandari Satyanarayana),

Singareni Telgu Nadu Trade Union Council (STNTUC)

H.No.5-295, Indiranagar,

Opp. Bus Stand, Mancherial,

Adilabad – 504 208.

..... Workman

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Bellampalli Area, Goleti Township,

Adilabad Dist. (A.P.) – 504292.

.... Respondent

Appearances:

For the Workman :

M/s. S. Bhagawanth Rao &amp; S. Rama Devi, Advocates

For the Respondent:

Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/1192012-IR(CM-II) dated 26.9.2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,



### SCHEDULE

“Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampally Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Ratnam Venkaty, Ex-General Mazdoor/Goleti-I, Inc., Bellampalli Area w.e.f. 21.5.2007 is justified? To what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No.59/2012 and notices were issued to the parties concerned.

#### **2. The averments made in the claim statement are as follows:**

That, the Workman was appointed as an employee on 8.2.1986, and he became permanent Employee during the course of service in the Company. The Service conditions of the Workman are governed by various standing orders of Company. It is submitted that the Workman could not attend to his duties during the year 2005 due to his ill health and the Respondent issued a Charge Sheet dated 8.5.2006 and the Workman submitted a Reply on 13.12.2006, and could not be considered by the Respondent Company and dismissed from Service through proceedings No.P.BPA/129/1246, dated 17/18.5.2007. It is further submitted that the Workman preferred an appeal to the Higher authorities as per Settlements dated 9.8.2011 that went in vein, and authorities had mechanically upheld the orders of Chief General Manager, Bellampalli. It is submitted that the Workman has put in 20 years of service without any red remark and the Workman has got still 10 years of service for superannuation. The removal from service of Workman, person who rendered more than 10 years of qualified service is arbitrary, illegal and against to the Principles of Natural Justice and also against to the Provisions of the Standing Orders of the Company. That the “Award And Settlements” both are Decrees in terms of Industrial Disputes Act. There was a Settlement from 1.1.2000 to 31.12.2010 before the Regional Labour Commissioner at Hyderabad, those who were removed from 1.1.2000 to 31.12.2010, cases can be considered by the Management as per the Circular P.40/5911/IR/33, dated 10.3.2000, the Workman was called for Interview and the Workman successfully attended the Interview, but the case of the Workman is not considered for Re-employment as per the Settlement. If the Workman were given employment he would have been put in more than additional 10 years of service. Therefore the non-consideration of Settlement by the Company is bad and against the law. That the Respondent did not conduct enquiry properly and no Documents were given to the Workman and no subsistence allowance was paid to him. The Respondent obtained thumb impressions on enquiry report and conducted enquiry and Workman do not know the English language and enquiry conducted by the Respondent without mentioning contents therein is arbitrary, illegal and against to the Principles of natural Justice. It is prayed to decide the validity of Domestic enquiry as Preliminary issue. That after removal from the service by the Respondent the Workman dated 18.5.2007, Workman and his children of Workman are thrown on roads with untold sufferings. The relationship between the Workman and Respondent is still continuing as the Workman has not attained the age of Superannuation. Therefore, the Workman has raised the dispute before the Assistant Labour Commissioner (Central) which ended in failure and hence this reference. It is therefore prayed to direct the Respondent to reinstate the Workman into Service with continuity and other attendant benefits and with full back wages, by setting aside dismissal order vide proceedings No. P.BPA/129/1246, dated 17/18.5.2007.

#### **3. Respondent filed counter denying the averments of the Workman as under:**

It is submitted that the Workman was dismissed from the services of the Respondent Company on proved charge of absenteeism vide No.BPA/PER/129/1246, Dated 17/18.05.2007 with effect from 21.5.2007 Workman raised the dispute in the year 2012 and filed claim statement in 2014. It is apparently clear that there is an abnormal delay of 5 years in raising the dispute by the Workman and therefore the Petition is liable to be dismissed on the ground of delay and laches. It is prayed to decide the delay in raising the dispute as a preliminary issue. It is submitted that the Workman was dismissed on proved charges after conducting a detailed Domestic Enquiry duly following the Principles of Natural Justice. It is prayed that to decide the validity of Domestic Enquiry as a preliminary issue. In this regard, it is submitted that to permit the Respondent to produce the evidence in case it is held that the Domestic Enquiry is not valid. It is submitted that the Workman, Ratnam Venkati, Employee Code No.2083973, Ex-General Mazdoor, Goleti.1 Incline, Bellampalli Area of the Respondent Company, was initially appointed on 08.02.1986 as a Floating Badli Worker at Mahaveer Khani No.5 Incline of Bellampalli Area. While he was working in Mahaveer Khani No.3 Incline of Bellampalli Area, he was promoted as Coal Filler with effect from 19.10.1987 and later promoted as General Mazdoor, Category-I (Underground) with effect from 01.09.1990. Sri Ratnam Venkati had not put in a single muster during the calendar year 2005 and remained absent to duties unauthorisedly on all days in the year, which constituted misconduct under Company's Standing Orders No.25.25 for the misconduct committed by him which reads as follows:

"25.25: Habitual late attendance or habitual absence from duty without sufficient cause".

The Workman was issued with the Charge Sheet bearing No. BPA/GLT.1/R.7/2100, Dated 08.05.2006, and the Workman acknowledged the receipt of the same, and submitted his written explanation dated 13.12.2006. Enquiry Notice No.BPA/GLT.1/R.7/629, Dated 11.12.2006 was issued advising the Workman to attend enquiry on 13.12.2006, along with witnesses and documentary evidence, if any, in support of his case and to defend his case. It

is submitted that the enquiry was conducted on 13.12.2006 adhering to the Principles of Natural Justice. The Workman attended and fully participated in the enquiry and he was given full and fair opportunity to defend his case. Before commencing the Enquiry Proceedings, the Enquiry Officer had explained the enquiry procedure. The Workman having understood the procedure and at his free will took part in the Enquiry proceedings. The Enquiry Officer had offered the opportunity of availing the services of defence assistant but the Workman did not avail the same. The Presiding Officer and the management witnesses deposed their evidence that the Charge sheeted workman remained absent for his work without leave, sick, sufficient cause or obtained prior permission and remained absent unauthorizedly, in the presence of the Workman which was duly recorded by the Enquiry Officer and explained to the Charge sheeted workman in Telugu. Further, it is submitted that the documentary evidence was produced by the management in the presence of the Workman to substantiate the charge levelled against him in the enquiry and explained in Telugu by the Enquiry Officer. The Workman did not cross examine the management witnesses when the opportunity was afforded to him, and voluntarily pleaded guilty of charge levelled against him. In his deposition during the course of enquiry, the Workman submitted that he remained absent from duty unauthorizedly and without leave or permission and stated that due to his ill health, he has taken treatment privately at his native place, and pleaded guilty of the charge levelled. In spite of giving opportunity, he failed to establish the cause cited by him for his unauthorized absence from duty by submitting relevant documentary evidence. The Enquiry Officer on the basis of evidence adduced in the enquiry and after appreciating all the recorded evidence, submitted his report in which the Workman was held guilty of the charges levelled against him under Company's Standing Order No.25.25. It is submitted that the Workman was supplied with a copy of the Enquiry Report and Proceedings vide letter No.BPA/PER/129/791, Dated 04/05.04.2007 wherein he was advised to submit his representation, if any, against the findings of the Enquiry Officer within seven days of receipt of the letter. The Workman acknowledged receipt of the letter dated 04/05.04.2007 along with its enclosures. He submitted a representation dated 17.04.2007 stating he was absent due to his ill health and not contradicted the findings of the Enquiry Officer. During the enquiry and at the time of submission of explanation to Charge Sheet, the Workman stated that he was absent due to his ill-health. It is submitted that the Disciplinary Authority after going through the entire Enquiry Proceedings, and after evaluating all the evidence on record, concurred with the finding of the Enquiry Officer. Since the charge levelled and proved in the enquiry were of grave and serious in nature warranting punishment of dismissal and after considering his past attendance, and after finding that there was no improvement in his attendance, and as there was no extenuating circumstances to take a lenient view, the Workman was dismissed from the Company's services with effect from 21.05.2007 vide Letter No.BPA/PER/129/1246, Dated 17/18.05.2007. It is submitted here that the Workman was a chronic and habitual absentee and did not put in at least 190 attendances as expected from an underground workman during the 4 years 2003 to 2006. Further, he remained absent from duty without sanctioned leave, sick or sufficient cause and did not bother to communicate to the unit authorities about his inability to attend to duties. The Workman did not at least inform or communicate the reasons of his absence to the mine authorities at any point of time, which clearly establish the fact that he was not interested in his job. The Respondent Company has been operating Dispensaries, Area Hospitals and Main Hospital to extend medical facilities to its employees, their dependant family members. Further, it is submitted that if Workman, was suffering from health problems, as alleged, he ought to have reported sick in Colliery hospital; he ought to have requested for sanction of leave to his credit or for sanction of loss of pay leave, but without availing these channels, he chose to remain absent from duties unauthorizedly. Therefore, the management was compelled to dismiss the Workman, from the service of the Company with effect from 21.05.2007 on the proved charge. It is submitted that the Respondent Company had entered into a Memorandum of Settlement to provide an opportunity to the employees dismissed on the ground of absenteeism for appointment as Badli Fillers afresh. In the Memorandum of Settlement dated 09.08.2011 arrived at with the then Recognised Union SCWU- AITUC it was agreed to review the cases of employees dismissed on account of absenteeism during the period from 01.01.2000 to 31.12.2010 and the conditions are that (1) the dismissed employee should be below 55 years as on the date of Memorandum of Settlement i.e. as on 09.08.2011; (2) the dismissed employee should have put in 190 musters if an underground employee and 240 musters if surface employee, in any two calendar years out of the 5 years prior to the year of dismissal (or) should have put in 150 musters (underground employee), 200 musters (surface employee) every year in the previous four years of dismissal year and (3) these dismissed employees will be interviewed by High Power Committee and on the basis of High Power Committee's recommendations subject to medical fitness the candidate will be given appointment as Badli Filler Underground. In the present case, the Workman is not satisfying the stipulations and hence his case was not considered for appointment afresh as Badli Filler. It is submitted that the allegations that he had put in 20 years of service without any red remark, and the Workman has got 10 years of service for superannuation are denied. The Workman was a chronic and habitual absentee and did not put in at least 190 attendances, as expected from an underground workman during the year 2005, and he had not put in a single muster and remained absent on all the days. Instead of improving attendance and performance the Workman preferred to remain absent from duty unauthorizedly. His attendance during the period from 2003 to 2006 is 011, 003, NIL and 41 attendances respectively. Length of service already rendered and the period of service left over are not the criteria for initiating disciplinary action and imposing penalty. Depending upon the seriousness of the misconduct committed and the gravity of the misconduct established, penalty will be imposed. Further it is submitted that the Workman was not kept under suspension pending Enquiry and hence he is not eligible to receive the subsistence allowance as per the rules. Therefore, the contention of the Workman that the thumb

impressions were obtained on the Enquiry Report and conducted Enquiry without mentioning contents there in is arbitrary, illegal and against the Principles of Natural Justice is denied and the Workman is put to strict proof of the same. It is submitted that the concerned workman should have been more careful and conscious of his responsibilities, towards his family members and towards his job. He failed to realize his mistake in spite of giving opportunities and paid no heed to the advice of his higher authorities with regard to be regular to duties. For the fault and mistakes of the Workman he cannot hold the Respondent Company responsible. It is the Workman himself who has to be blamed for this situation, which is the result of his negligent behaviour and callous attitude towards his job. As such the allegations of the Workman are wholly untenable and devoid of any merits, hence denied. In view of the above, it is prayed that this Hon'ble Court may be pleased to dismiss the claim petition as devoid of merits.

4. Workman union has filed photocopies of documents viz., information under RTI Act, sought from Respondent Management circular of Respondent dated 24.11.2017. Respondent has filed office copy of charge sheet, explanation of workman to the charge sheet, office copy of enquiry notice, enquiry proceeding, enquiry report, office copies of : show cause notice, workman's acknowledgement, reply to show cause notice, dismissal order, photocopies of: Memorandum of Settlement arrived on 21.2.2000, circulars dt. 10.3.2000, 2.3.2011, 16.4.2012, and another Memorandum of Settlement dated 9.8.2011.

5. Perused written arguments filed by both parties.

**6. On the basis of rival contentions and pleadings of both the parties, following issues emerge for determination:-**

I Whether the Departmental Enquiry held against the delinquent workman is legal and valid?

II. Whether the claim petition filed by the Workman is barred by limitation?

III. Whether the action of Respondent Management Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampalli Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Ratnam Venkaty, Ex-General Mazdoor/Goleti-I, Inc., Bellampalli Area, w.e.f 21.5.2007 is justified?

IV. To what relief the Workman is entitled?

#### **Findings:-**

7. **Point No.I:** The legality and validity of Departmental Enquiry has been held legal and valid vide order dated 27.6.2019 by this Tribunal.

Thus, Point No.I is decided accordingly.

8. **Point No.II:** In this context, the Respondent counsel has contended that present petition has been filed by the Workman union, to direct the Respondent to reinstate the Workman Sri Ratnam Venkati, into service with continuity of service and other attendant benefits with full back wages by setting aside the dismissal order dated 15.5.2007 passed by the Respondent, but the Workman union has raised the dispute in the year 2012 and filed claim statement in the year 2014. Therefore, there is inordinate delay of five years in raising the dispute by the Workman union and the petition is liable to be dismissed on this very ground, due to delay and laches. Further, Respondent contended that under the provision of Sec.2A(2)(iii) it is provided that the application referred to sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of 3 years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1). The perusal of the record goes to reveal admittedly, the Workman has been dismissed from service by the Respondent Management vide order dated 17/18.5.2007 w.e.f. 21.5.2007 and present reference has been made by Government of India on 26.9.2012, i.e., after expiry of five years from the date of termination. Whereas Workman has not submitted any explanation for raising the industrial dispute with an inordinate delay of five years after the termination w.e.f. 21.5.2007. The provision u/s 10(iii) of I.D. Act, 1947 contains that the dispute against the dismissal, discharge can be raised by the workman within three years from the date of dismissal, discharge, retrenchment or termination from the service. Whereas Workman has not furnished any explanation for such inordinate delay in raising the dispute against his dismissal from the service.

**Section 2A(2) of the I.D. Act, 1947 provides:-**

**2A. [ Dismissal, etc., of an individual workman to be deemed to be an industrial dispute. [ Inserted by Act 35 of 1965, Section 3 (w.e.f. 1.12.1965).]**

*(2)[ Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government. ”*

8. In **S.M. Nilajkar and Ors. v. Telecom District Manager, Karnataka (2003 (4) SCC 27)** the position was reiterated as follows (at para 17) :

*"17. It was submitted on behalf of the respondent that on account of delay in raising the dispute by the appellants the High Court was justified in denying relief to the appellants. We cannot agree. It is true, as held in M/s. Shalimar Works Ltd. v. Their Workmen (AIR 1959 SC 1217)(supra), that merely because the Industrial Disputes Act does not provide for a limitation for raising the dispute it does not mean that the dispute can be raised at any time and without regard to the delay and reasons therefor. There is no limitation prescribed for reference of disputes to an industrial tribunal, even so it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed particularly so when disputes relate to discharge of workmen wholesale. A delay of 4 years in raising the dispute after even re-employment of the most of the old workmen was held to be fatal in Mis. Shalimar Works Limited v. Their Workmen (AIR 1959 SC 1217)supra, In Nedungadi Bank Ltd. v. K.P. Madhavankutty and others AIR 2000 SC 839(supra) , a delay of 7 years was held to be fatal and disentitled to workmen to any relief. In Ratan Chandra Samanta and others v. Union of India and others (1993 AIR SCW 2214 (supra), it was held that a casual labourer retrenched by the employer deprives himself of remedy available in law by delay itself, lapse of time results in losing the remedy and the right as well. The delay would certainly be fatal if it has resulted in material evidence relevant to adjudication being lost and rendered not available. However, we do not think that the delay in the case at hand has been so culpable as to disentitle the appellants for any relief. Although the High Court has opined that there was a delay of 7 to 9 years in raising the dispute before the Tribunal but we find the High Court factually not correct. The employment of the appellants was terminated sometime in 1985-86 or 1986-87. Pursuant to the judgment in Daily Rated Casual Employees under P and T Department v. Union of India (AIR 1987SC 2342Xsupra), the department was formulating a scheme to accommodate casual labourers and the appellants were justified in awaiting the outcome thereof. On 16-1-1990 they were refused to be accommodated in the scheme. On 28-12-1990 they initiated the proceedings under the Industrial Disputes Act followed by conciliation proceedings and then the dispute was referred to the Industrial Tribunal-cum-Labour Court. We do not think that the appellants deserve to be non-suited on the ground of delay."*

Therefore, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court the dispute raised by the Workman against the dismissal proceeding dated 17/18.5.2007, w.e.f. 21.5.2007 has been filed beyond the limitation period of three years as prescribed under Rule 10(iii) of the I.D. Act, 1947 and without furnishing plausible explanation for such delay. Hence, petition is barred by limitation.

Thus, Point No.II is decided accordingly.

9. **Point No.III:** The Workman claims that he was appointed on 8.2.1986 in the Respondent company and during the course of his service he became permanent employee. Workman has admitted fact that he remained unauthorizedly absent from duty without prior sanctioned leave and intimation, from duty. However, the Workman has put forward his explanation in a reference to his unauthorized absence from duty that he could not attend his duty during the year 2005 due to ill-health. Workman has taken the plea that the Respondent issued a charge sheet dated 8.5.2006 and he has submitted reply on 13.12.2006, but Respondent Company did not consider his explanation and issued his dismissal order dated 17/18.5.2007 from the service. Workman also argued that Respondent did not conduct enquiry properly and no documents were supplied to him and no subsistence allowance was given to him. Further, he has taken the plea that he do not know English language and enquiry has been conducted by the Respondent without explaining him contents therein and whole enquiry proceeding is arbitrary, illegal and also against the principles of natural justice.

10. On the other hand, Respondent has contested by denying the allegations made by the Workman and has contended that the Workman was chronic and habitual absentee and did not put in atleast 190 musters as expected from an underground workman. Further he contended that during the year 2005, Workman has not put in single muster, and remained absent throughout the year. The Workman instead of improving attendance and performance, has preferred to remain absent from duty unauthorizedly, habitually. Further, Respondent contended that attendance of Workman for the period from 2003 to 2006 is 011, 003, NIL and 041 musters respectively. The Workman was issued with charge sheet No.BPA/GLT.1/R.7/2100, dated 8.5.2006 levelling the charge under Company's Standing Orders No.25.25. Further, Respondent contended that the length of service already rendered and period of service left, are not criteria for initiating disciplinary proceedings and imposing penalty and depending upon the seriousness of the misconduct committed and the gravity of the misconduct established, the penalty to the delinquent Workman has to be imposed. Since the Petitioner has committed misconduct of remaining absent from duty unauthorizedly habitually and failed to correct himself, inspite of giving sufficient opportunity and his attendance before and after issuance of charge sheet was found to be very poor. Respondent also contended that the Petitioner has not complied the laid down procedure for reporting sick in Colliery Hospital and has not furnished any explanation for not communicating his inability to attend duties to the Head of the Mine and even not requested for sanction of loss of pay leave and not submitted the documentary evidence in support his alleged ill-health and other problems. It is argued by Respondent that Workman has also failed to put in 190 days attendance during the years 2003 to 2006. Thus, Workman was found indifferent towards his employment and action of the Respondent in dismissing the

Petitioner is neither arbitrary, nor illegal and nor against the principles of natural justice and also not against the provisions of the Standing Orders as claimed by the Petitioner.

11. Respondent further contended that the Enquiry Officer have held the enquiry proceedings against the Petitioner by following duly principles of natural justice giving several opportunities to the Petitioner to defend his case. If the enquiry proceedings were not conducted properly, the Petitioner could have raised his objections regarding prejudice and he would not have affixed his signature on the enquiry proceedings. But the Petitioner kept silent all these years and now after a lapse of five years he is claiming that the enquiry proceedings was not conducted properly. It is an after thought and not maintainable. Respondent also contended that the Petitioner workman was given full and fair opportunity in the enquiry proceeding held on 13.12.2006 and enquiry proceedings were explained to the Workman in Telugu which is the language known to the workman. It is also submitted that workman was supplied with enquiry proceedings and enquiry report vide letter dated 4/5.4.2007.

12. Perused the record. Record goes to show that during the enquiry proceedings, submissions of the workman were recorded and during the cross examination of the defence witness, the delinquent workman has admitted the charges and pleaded guilty. Further, in reply to the question put to delinquent in cross examination, he has stated that due to ill-health he could not attend his duties regularly and could not intimate the Authority about his illness. Further, defence witness admitted that he has not reported sick in the company's hospital and neither he informed to the Respondent management. He was also accorded opportunity to produce material evidence in defence but he refused to produce any further evidence in defence. On the other hand, Respondent management witness Sri N.S.K. Sastry has deposed that the charge sheeted workman has put in only Nil musters during the year 2005. Further, the management witness Sri G. Rajalingu, Paysheet Clerk has also deposed that he was working as a daily rated Pay Sheet Clerk at GLT.1 Incline, he has prepared the pay sheets of the daily rated workmen including that of Sri Ratnam Venkati, General Mazdoor at the Mine and the delinquent Workman has put in only Nil musters in the year 2005. The Management witness has also produced the documents in respect of attendance of Sri Ratnam Venkati for the period from 01/01/2005 to 31/12/2005, the Paid pay sheets for the year 2005 and Form 'C' Manway Attendance Registers from January, 2005 and December, 2005. These documents goes to show that Workman has nil attendance during the whole year in 2005. The perusal of enquiry proceedings goes to reveal that the Respondent Management witness has been examined in the presence of the delinquent workman and the cross examination opportunity has been accorded to the workman and on the basis of the evidence recorded during the enquiry, the Enquiry Officer has submitted reasoned report holding the delinquent workman guilty of unauthorized absence from the duties during the period from 1.1.2005 to 31.12.2005 in contravention of the company's Standing Orders No.25.25. Further, the enquiry proceedings record goes to reveal that workman has not submitted any documentary proof of evidence about his illness during the year 2005 as he alleges. Therefore, his plea that due to illness he was not able to attend his duties during the year 2005 is not tenable in the want of any cogent medical evidence. Further, Workman also failed to explain as to why he did not intimate the authority about his absence during that period.

13. Thus, it is established that the Petitioner remained unauthorizedly absent from duty during the year 2005 from 1.1.2005 to 31.12.2005 in contravention of the Company's Standing Orders No.25.25. He has been habitual of committing such misconduct in the years 2003, 2004, 2005 and 2006. In this context, I would like to make reference of few decisions of the Hon'ble Apex Court, wherein Hon'ble Apex Court has laid down that to remain absent from duty unauthorizedly and habitually is serious misconduct and imposition of punishment of dismissal of the Workman from service can not be said disproportionate.

Hon'ble Supreme Court of India in the case of **State of U.P. Vs. Ashok Kumar Singh 1996 (1) SCC 302, wherein the Apex Court have held:-**

*"Having notices the fact that the first respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."*

In the case of **North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 Hon'ble Apex Court have held:-**

*"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorizedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly."*



In case, **Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574]**, Hon'ble Apex Court have held:

*"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorised. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorised."*

Further, in **State of U.P. vs. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276]**, Hon'ble Apex Court held that the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent and held also,

*"It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."*

In the case of **Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhai, the 2022 LLR page 126**, Hon'ble Apex Court have held:

*"once the enquiry finding is held to be fair and proper, industrial Tribunal or Labour Court lacks jurisdiction to interfere with the quantum of punishment unless the same is shockingly disproportionate to the gravity of conduct."*

Admittedly, in the present matter the Workman had been absent from duty unauthorizedly and habitually during the long period from 1.1.2005 to 31.12.2005 without any plausible and reasonable excuse. Further, he did not intimate about his absence from duty on the ground of alleged illness to the Competent Authority and did not report his illness to Company Hospital/Dispensary. The explanation furnished by the Workman for his unauthorized absence from duty in contravention of Standing Orders, found to be false in the want of any documentary evidence. Furthermore, it has also come on record that the Petitioner was absent not only during the year 2005 but he has also not completed required musters of 190 days in the years, 2003, 2004, 2005 and 2006, inspite of giving him opportunity by Respondent Management to reform his musters as well as conduct. But, he did not pay any heed to the advice of Respondent to reform himself. Thus, it is proved that he was habitually in committing such misconduct. Thus, in view of the fore gone discussion and Law laid down by the Hon'ble Apex Court as discussed above, I arrive at conclusion that action of the Respondent Management in dismissing the services of the Petitioner is legal and justified.

14. Once it is held that domestic enquiry is legal and proper, the next question arises for consideration is, whether the punishment imposed is just and legal or it is disproportionate to the gravity of charges? It is not in dispute that the charge of unauthorized habitual absence from duty against the Workman has been held proved in the domestic enquiry and due to unauthorized absence of the workman from duty, the Respondent company was put to hardship and certainly it has suffered in terms of production and productivity. In view of the fore gone discussion in the facts and circumstances of the case and law laid down by Hon'ble Apex Court as discussed above, I am of the opinion that the charge against the workman of unauthorized absence from duty habitually has been proved during the enquiry and that being serious in nature. As far as the plea of the Petitioner is concerned that due to his removal from service he and his children are facing untold suffering, I would like to mention here that the workman should have been more careful and conscious of his responsibilities towards his family members and towards his job. But he failed to realize his mistake inspite of opportunities extended to him repeatedly and he paid no heed to the advice of superior authorities to be regular in duty and for his own fault and mistake, he can not hold the Respondent company responsible. The Petitioner himself is to be blamed for such situation and this is the result of his negligent behaviour and callus attitude towards his own job. Therefore, the plea of the workman in this context as mentioned is devoid of merit.

On the question of judicial review and interference of the courts in matters of disciplinary proceedings and on the test of proportionality, a few decisions were referred to:

(i) *Om Kumar and others vrs Union of India, 2007 (7) SCALE 824* : In this case, the Hon'ble Apex Court, after considering the *Wednesbury* principles and the doctrine of proportionality, has observed and held that the question of the quantum of punishment in disciplinary matters is primarily for the disciplinary authority to order and the jurisdiction of the High Courts under Article 226 of the Constitution or of the Administrative Tribunals is limited and is confined to the applicability of one or other of the well known principles known as *Wednesbury* principles'.

In the *Wednesbury* case, (1948) 1 KB 223, it was said that when a statute gave discretion to an administrator to take a decision, the scope of judicial review would remain limited. Lord Greene further said that interference was not permissible unless one or the other of the following conditions was satisfied, namely, the order was contrary to law,

or relevant factors were not considered, or irrelevant factors were considered, or the decision was one which no reasonable person could have taken.

(ii) *B.C. Chaturvedi vrs. Union of India, 1996 (72) FLR 3166: In this case the Hon'ble Supreme Court has observed and held as under:*

*"18. A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/ appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof."*

Thus, in view of the fore gone discussion and law laid down by the Hon'ble Apex Court as discussed above, the punishment of dismissal of the workman from service is not disproportionate under the facts and circumstances of the case. Therefore, the order of dismissal passed against the Workman can not be faulted with and it can not be said to be in any way disproportionate to the gravity of charge and deserves to be upheld. Thus, the action of the Respondent management in terminating the services of Sri Ratnam Venkati, w.e.f. 21.5.2007 is justified.

Thus, Point No.II & III are answered accordingly.

15. **Point No.IV:** In view of the finding given at Points No.I, II, & III, the workman is not entitled to any relief and the claim of workman is liable to be dismissed.

Thus, Point No.IV is answered accordingly.

#### AWARD

In view of the findings arrived at Points I to IV above, it is held that, the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Bellampally Area, Goleti Township, Adilabad Dist., in terminating the services of Shri Ratnam Venkati, Ex-General Mazdoor/Goleti-I, Inc., Bellampalli Area w.e.f. 21.5.2007 is legal and justified. The workman is not entitled to any relief as prayed for. The petition stands dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 7<sup>th</sup> day of February, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Workman  
NIL

Witnesses examined for the  
Respondent  
NIL

#### Documents marked for the Workman

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 2 जुलाई, 2024

**का.आ. 1367.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 27/2006) को प्रकाशित करती है।

[सं. एल-22012/163/2005-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 2nd July, 2024

**S.O. 1367.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No. 27/2006**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen.

[No. L-22012/163/2005 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
ASANSOL**

Present; Shri Ananda Kumar Mukherjee

Presiding Officer

C.G.I.T-cum-L.C, Asansol.

**REFERENCE NO 27 OF 2006**

Parties: The Agent, Nimcha Colliery, E.C.L

Vs.

Lakhiram Manjhi

REPRESENTATIVE:

For the Management; Mr. Piyush Kanti Das, Learned Advocate.

For the Union(Workman) Shri S.K. Pandey, General Secretary, Koyla Mazdoor Congress.

INDUSTRY: COAL

STATE: WEST BENGAL

Dated:29-11-2022

**AWARD**

In exercise of powers conferred under clause(d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act,1947, the Central Government through the Ministry of Labour vide order number L-22012/163/2005-IR(CM-II) dated 18-07-2006 has been pleased to refer the following dispute between the Employers i.e. the Management of Nimcha Colliery of M/s E.C.L and their workman for adjudication by this Tribunal.

**SCHEDULE**

“Whether the action of the Management of Nimcha Colliery of M/s Eastern Coalfields Limited in dismissing the service of Sh. Lakhiram Manjhi, U.G. Loader w.e.f. 29-10-2003 is legal and justified? If not, to what relief the workman is entitled to?”

1. On receipt of Order No. L-22012/163/2005-IR(CM-II) dated 18-07-2006 from the Government of India, Ministry of Labour & Employment, New Delhi, a reference case No.27/2006 was registered on 14-08-2006 and an order was passed for issuing notice to the parties for submission their written statements, documents and list of witnesses. The parties appeared and filed written statements. Shri Lakhiram Manjhi filed affidavit in chief. He was examined as W.W.I and cross-examined. No witness is examined on behalf of the Management.
2. Today the case is fixed up for hearing of argument. At this stage, Mr. P.K. Das Learned advocate for ECL filed a copy of Memorandum of Settlement in Form ‘H’ duly signed by Shri Sumit Chowdhury, Deputy Manager(Personnel) of the Management Company. None appeared for the workman. It is submitted by the learned advocate that the dispute involved in this case has been settled between the parties and a Memorandum of Settlement has been executed on 23-11-2018, whereby the workman Lakhiram Manjhi, ex U.G.Loader(U.M.No.354250) of Nimcha (R)Colliery was reinstated in service as category –I, General Mazdoor with initial basic pay. The period from the dismissal to till the date of reinstatement was agreed to be treated as dies-non and that the workman will not be entitled to any back wages. It was further provided that both parties will separately file petition before the C.G.I.T, Asansol to the effect that the matter is settled and reference would be withdrawn or no dispute award was to be passed and the exercise was to be completed within 30(thirty) days. It is apparent from the face of the record that no such intimation was given to this Tribunal, neither by the workman nor by the Management for which the case is running in the list for hearing of argument.

3. Having considered the facts and circumstances which evolved out of Memorandum of Settlement, I am of the view that the Industrial dispute regarding dismissal of Lakhiram Manjhi from his service has been settled amicably and no dispute exists. Accordingly a no dispute award is drawn up. The reference case is disposed of.

Hence,

**ORDERED**

Let a 'No Dispute' Award be passed in this case, treating the Memorandum of Settlement in Form 'H' dated 23-11-2018 as part of the Award. Let copies of the Award be sent to the Ministry of Labour and Employment, Government of India for information and the needful.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 जुलाई, 2024

**का.आ. 1368.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (40/2014) प्रकाशित करती है।

[सं. एल-12011/08/2014-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 4th July, 2024

**S.O. 1368.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 40/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/08/2014 – IR (B-II)]

SALONI, Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

**Present : Justice K. D. Bhutia, Presiding Officer.**

**REF. No. 40 OF 2014**

**Parties :** Employers in relation to the management of

**Central Bank of India**

**AND**

**Their Workman**

Appearance :

On behalf of Central Bank of India : Mr. Abhishek Kumar Sahu, Authorised Representative.

On behalf of the Workman: Ms Rupoma Bhattacharjee, Ld. Advocate.

**Dated: 23rd April, 2024**

**AWARD**

By order No. L-12011/08/2014 –IR(B-II) dated 24-04-2014, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

“Whether the action of the management of Central Bank of India by terminating the service of workman Sri Subhendu Sengupta without following statutory rules and regulations is justified or not? What relief the workman is entitled for?”

The facts giving rise to the present reference in gist are that Bhukailash Estate is owned and under the control of Central Bank of India, Kolkata Main Branch. For the proper management of the Estate, the concerned workman, a

Clerk, of the bank was temporarily posted at Bhukailash Estate Branch in terms of the office order dt.05-09-1992, for collection of rent and revenue from the tenants and vendors to whom property of Bhukailash Estate had been let out. That bank advised him to report back to the Calcutta Main Branch on 18-02-1993 on detection of short deposit of the revenue collected by him during the period of his posting in between 05-09-1992 to 18-02-1993. It was found there was a short deposit or defalcation of a sum of Rs.45,539.39 by the workman. That he instead of depositing a sum of Rs.1,13,136.85 which he had received under five different heads had made deposit of only Rs.67,998.46.

That on detection of said defalcation the delinquent workman was show caused by the management and directed to submit his explanation but his explanation not be satisfactory the bank charge sheeted him for such misconduct. That the management not being satisfied with the explanation submitted by him against the charge sheet, initiated a domestic enquiry on the charge. It appears that delinquent workman fully participated in the domestic enquiry and took help of defence representative. The management witnesses were extensively cross examined by the workman. But he has failed to adduce evidence in his defence and proceeded further with the hearing of the enquiry.

The Enquiry Officer taking into consideration both oral and documents produced by the management before him held the concerned workman guilty of the charge. The management of the bank concurring with the findings of the Enquiry Officer terminated the service of the concerned workman w.e.f. 28-04-1993.

The Bank has alleged the present reference case is barred by limitation and in para 17 of its written statement has alleged that the concerned workman being aggrieved by the order of termination of his service had filed writ petition before the Hon'ble High Court being No. 205 of 2010. That the writ petition was dismissed by the Hon'ble High Court with reasoned order covering all the issues raised by the concerned workman. Therefore, it has prayed for dismissal of the reference.

On perusal of the order sheet dt. 17-12-2014, it appears the case was initially proceeded exparte against the bank. On that day the workman had examined himself as W.W. No.1 and he had exhibited 21 documents and which were marked as Exhibit-W-1 to W-21. Then case was fixed for hearing argument. However, the case was never taken up for hearing argument since that day, rather order sheet dt. 18-06-2019 shows the bank had put appearance and allowed to file written statement. Further, the order sheet dated 30-07-2019, shows the bank was permitted to contest the case and the case was taken off from exparte board. Consequently, the exparte evidence of the workman recorded on 17-12-2014 stands set aside.

Be that as it may prima facie from the record it appears the workman has challenged the order of his termination from the service as a Clerk of Central Bank of India w.e.f. 28-04-1993 by raising this industrial dispute sometime in the year 2014 i.e. almost 21 years of his dismissal. The documents that have been filed by the management this day prima facie shows the concerned workman has challenged his order of termination by filing Writ Petition before the Hon'ble High Court. His order of termination was affirmed by Hon'ble Single Bench. Challenging the order passed by the Hon'ble Single Bench, he had preferred F.M.A. No.253 of 2003. The copy of the order passed in F.M.A. No.253 of 2003 on 24-11-2005 by the Hon'ble Division Bench of the Hon'ble High Court, Calcutta presided over by the Chief Justice of Calcutta High Court, has been pleased to affirmed the order passed by the Hon'ble Single Bench and held the departmental enquiry conducted against the delinquent concerned workman by the management of the bank to be proper keeping in adherence to the principle of natural justice.

Further, Hon'ble Division Bench has been pleased to observe, the petitioner was responsible for depositing the collected amount with the bank and that the factum of collection had been proved by the documents produced by the management during the enquiry but the workman has failed to prove and substantiate his defence that he spent alleged defalcated amount for prosecuting the legal proceedings on behalf of the bank and for payments towards court fee and towards other charges required for mutation etc. That he failed to prove the nexus between the alleged expenditure made by him with the defalcated amount. It was the duty of delinquent to deposit the recovered amount in the Bank.

On the issue of validity of departmental enquiry conducted against the concerned workman, Hon'ble Division Bench was pleased to observe that the management had supplied all the relevant documents to the delinquent workman, full opportunity was given to the delinquent and who took part in the enquiry and cross examined the witness. Therefore, upheld the domestic enquiry conducted against the delinquent workman to be just and legal and in adherence to the principle of natural justice.

On the issue of punishment held that the quantum of punishment imposed upon the delinquent workman to be just and not to be disproportionate to the misconduct of misappropriation of bank's money and for committing breach of trust proved against him. Therefore, Hon'ble Division Bench did not find any merit in the appeal and dismissed the same.

It further appears the delinquent concerned workman not being satisfied with the order of dismissal of his appeal being No. FMA-253/2003 dt.24-11-2005, had filed a review petition being no. RVW-51 of 2009. While dismissing the review application on 07-01-2010, the Hon'ble Division Bench held that issue raised by the concerned workman in review application to be a matter of appropriate appeal from the Division Bench's decision and not an



issue for review. Therefore, rejected the review application along with CAN No.2893 and 10973 of 2009 on 07-01-2010.

It is very interesting to note that the workman concerned has suppressed the facts about filing writ petition challenging his order of termination and on dismissal of his writ petition preferring an appeal being no. FMA-253 of 2003 and said FMA too being dismissed upholding the order passed by Hon'ble Single Bench and filing review application being no. RVW-51 of 2009 against the order of dismissal of his appeal being no. FMA-253 of 2003 and dismissal of his review application along with other application by Hon'ble Division Bench on 07-01-2010 in his claim statement and also while raising an industrial dispute in the year 2014 challenging his dismissal from service. So, prima facie it appears the workman has practised fraud upon the Tribunal and he has raised the present industrial dispute knowing fully that his termination from service as a Bank Clerk w.e.f. 28-04-1993 has been affirmed not only by Hon'ble Single Bench of Calcutta High Court but also by Hon'ble Division Bench.

Therefore, this Tribunal is of view the workman Sri Subhendu Sengupta is liable to be prosecuted for perjury for practising fraud upon this Tribunal by raising present industrial dispute relating to his dismissal and knowing fully his termination from service was already upheld by the Hon'ble Division Bench of Calcutta High Court in FMA No.253 of 2003 on 24-11-2005.

It is true neither the bank nor the workman have produced the order that has been passed in Writ Petition No. 205 of 2010 as mentioned in para 17 of the written statement filed by the bank, but aforesaid discussion prove the workman had moved Hon'ble High Court much before 2003 and not in 2010 as alleged by the bank.

In view of the above order passed by the Hon'ble Division Bench of Calcutta High Court in FMA No. 253 of 2003 and RVW-51 of 2009, the present reference is not maintainable as the dispute under reference has already been decided by the Hon'ble High Court holding the departmental enquiry held against the delinquent workman to be legal and valid and the management of bank is justified in terminating his service for the misconduct of mis-appropriation of money of the bank and for committing breach of trust.

Accordingly, Reference Case No.40 of 2014 is dismissed for being not maintainable and award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 4 जुलाई, 2024

**का.आ. 1369.**—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार निदेशक, भ्यान कंस्ट्रक्शन कंपनी, हिसार, हरियाणा; निदेशक, नेशनल पावर कॉर्पोरेशन ऑफ इंडिया, फतेहाबाद, हरियाणा, के प्रबंधन के संबद्ध नियोजकों और श्री राकेश वर्मा, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय-2, चंडीगढ़, पंचाट (संदर्भ संख्या 52/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 04.07.2024 को प्राप्त हुआ था।

[सं. एल-42025/07/2024-117-आईआर(डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 4th July, 2024

**S.O. 1369.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 52/2021) of the **Central Government Industrial Tribunal cum Labour Court -2, Chandigarh**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Director, Bhyan Construction Company, Hisar, Haryana ; The Director, National Power Corporation of India, Fatehabad, Haryana, and Shri Rakesh Verma, Worker**, which was received along with soft copy of the award by the Central Government on 04.07.2024.

[No. L-42025/07/2024-117-IR (DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**

**Present: Sh. Kamal Kant, Presiding Officer.**

ID No.52/2021

Registered on:-7.2.2022

Sh. Rakesh Verma, Ward No.14, Near Hanuman Mandir, VPO Bawani Khera, Distt. Bhiwani.

.....Workman



Versus

1. Bhyan Construction Company, through its Director, House No.360-A, Sector 16-17, Hisar, Haryana.
2. National Power Corporation of India, through its Director, Village and P.O. Gorakhpur, Tehsil Bhuna, Distt Fatehabad., Haryana.

....Respondents/Management

**AWARD****Passed on:-17.05.2024**

1. The workman Rakesh Verma has directly filed this claim petition under Section 2-A of the Industrial Dispute Act 1947(hereinafter called the Act) for reinstatement in service with full back wages.
2. During the pendency of the proceedings before this Tribunal, learned counsel for workman Sh. Pragun Jasuja has made a statement that on the instructions of his client, he withdraw the present case which may be dismissed as withdrawn, which is recorded separately.
3. In view of the statement made by the learned counsel for workman, the present claim petition deserves to be dismissed as withdrawn. Accordingly, the instant claim petition registered as ID No.52/2021 stands withdrawn and dismissed. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, Presiding Officer

नई दिल्ली, 4 जुलाई, 2024

**का.आ. 1370.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एंड सिंध बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 दिल्ली के पंचाट (26/2023) प्रकाशित करती है।

[सं. एल-12011/118/2022-आई.आर.(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 4th July, 2024

**S.O. 1370.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award(Ref. 26/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No -1 Delhi* as shown in the Annexure, in the industrial dispute between the management of Punjab and Sind Bank and their workmen.

[No. L-12011/118/2022-IR(B-II)]

SALONI, Dy. Director

**ANNEXURE**

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DELHI-1**  
**ROOM NO. 207, ROUSE AVENUE COURT COMPLEX, NEW DELHI**

**ID No. 26/2023**

Sh. Sushant Prakash S/o Lt. Ramesh Prakash,  
 R/o H.No. 18, Aruna Nagar, Majnu Ka Tila,  
 Civil lines, Delhi-110054  
 Through General Secretary,  
 Delhi Labour Union (1026 dated 05.07.1965), 2<sup>nd</sup> Floor  
 8, School Lane, Opp. Lalit Hotel, Bengali Market, New Delhi.

Claimant...

Versus

1. The Punjab and Sind Bank through its Managing Director Bank House, Alankrit House, 4-E/2, Jhandewalan Extn., New Delhi-110055
2. The Manager Punjab and Sind Bank through Chandni Chowk, Fawara Branch Delhi - 110006

Management...

None for the claimant

None for the management

### AWARD

In the present case, a reference was received from the appropriate Government vide letter No-L-12011/118/2022-IR(B-II)) dated 05.01.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

### SCHEDULE

“Whether the demand raised by Delhi Labour Union vide letter dated 14.01.2022 in respect of Sh. Sushant Prakash S/o Late Sh. Ramesh Prakash against the management of Punjab and Sindh Bank, New Delhi over the issue of granting appointment on compassionate ground on the post of UDC or any other suitable post on regular and permanent basis in proper pay scale and allowance with retrospective effect from the date of death (19.11.2021) of his father along with all consequential benefits monetary or otherwise interest on the arrears of benefits and cost of litigations is proper, legal and justified? If yes, what relief he is entitled to and what other directions, if any, are necessary in this regard?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

Date: 28.11.2023

नई दिल्ली, 4 जुलाई, 2024

**का.आ. 1371.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार एक्सिस बैंक लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (86/2018) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई.आर.(बी-I)-185]

सलोनी, उप निदेशक

New Delhi, the 4th July, 2024

**S.O. 1371.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 86/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bhubaneswar* as shown in the Annexure, in the industrial dispute between the management of Axis Bank Ltd and their workmen.

[No. L-12025/01/2024 – IR (B-I)-185]

SALONI, Dy. Director

### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-cum-LABOUR COURT, BHUBANESWAR

Present

Shri Dinesh Kumar Singh,

Presiding Officer,

CGIT-cum-Labour Court, Bhubaneswar

**I.D. Case No. 86 of 2018****Date of passing award – 25<sup>th</sup> day of January, 2024**

Between

1. The Branch Head,

M/s. CHECKMATE Services Pvt. Ltd.,

Branch Office: House No. C/1,

Plot No. 282, Kalyani Nagar,

Patrapada (Opposite of SANI Temple),

Bhubaneswar, Odisha-751019.

2. The Managing Director,

M/s. CHECKMATE Services Pvt. Ltd.,

Corporate Office : GF 6 to 9, Amaan Towers,

Suvas Colony, Fhategunj Main Road, Fhategunj,

Baroda-390002, (Gujarat), India.

3. The Circle Head, Axis Bank Ltd.,

Circle Office : Plot No. 1, Bapuji Nagar,

(Near Sisubhawan Chhak), Nabakalebar Road,

Bhubaneswar-751009, Odisha.

3. The Managing Director, Axis Bank Ltd.,

Head Office, 131, Maker Tower,

Culfe Parade, Coloba,

Mumbai-400005

...

1<sup>st</sup> Party-Management

(And)

Shri Kaliprasan Sahoo,

S/o-Late Gunanidhi Sahoo,

At-Jayapurpatana, P.O.-Itipur,

District-Khordha, PIN-751002, Odisha.

...

2<sup>nd</sup> Party-Workman

Appearances:

Shri Kaliprasan Sahoo

...

Workman

Shri Alok Kumar Swain

...

For Management No. 1 &amp; 2.

None

...

For Management No. 3 &amp; 4.

**AWARD**

The 2<sup>nd</sup> Party-Workman, Shri Kaliprasana Sahoo, moved his application under Section 2 A (2) of the Industrial Disputes (Amendment) Act, 2010 enclosing therewith the certificate issued by the Conciliation Officer, being aggrieved by the action of the Management of M/s. Checkmate Services Pvt. Ltd., and M/s. Axis Bank Ltd. Bapujinagar Branch, Bhubaneswar stating therein that he was employed under the Management of M/s Axis Bank Ltd., Bapujinagar Branch, Bhubaneswar, Odisha through M/s. CHECHMATE Services Pvt. Ltd., Bhubaneswar as a "Security Guard" for the period from 21.01.2015 to 30.06.2017, a total period of two years five months and eleven days continuously without any interruption.

2. He further averred that, after extending such a long period of service to the management, they (Management) suddenly terminated his services with effect from 01.07.2017 without paying any terminal benefits such as retrenchment benefits and notice pay, in an illegal, unjustified and arbitrary manner adopting unfair labour practice.

3. The 2<sup>nd</sup> Party-Workman raised the dispute before the conciliation authorities to get his legitimate claim which ended in failure.

4. The 2<sup>nd</sup> Party-Workman therefore, preferred this application with a prayer to declare the termination of his services by the Opposite Party-Management as illegal and unjustified with an order to the 1<sup>st</sup> Party-Management to pay him his unpaid statutory dues.

5. On the other hand, Managements No. 1 & 2 had appeared but they did not file their Written Statements in spite of providing several opportunities to them to counter the Statement of Claim filed by the 2<sup>nd</sup> Party-Workman. Further the Managements No. 3 & 4 (Axis Bank Ltd.) have neither appeared nor filed their Written Statements in their case.

6. However, during the course of adjudication, both the 2<sup>nd</sup> Party-Workman and the 1<sup>st</sup> Party-Management No. 1 & 2 have settled the present dispute out of court and filed original copy of their Memorandum of Settlement in Form – H containing 03 (three) numbers of terms and conditions as agreed between them in this dispute. Submitting their Memorandum of Settlement, both parties have prayed the Tribunal to close this case in terms of the settlement arrived at between them. The terms of Memorandum of Settlement executed between Shri Kaliprasan Sahoo (2<sup>nd</sup> Party Workman) and Shri Alok Kumar Swain (Authorised representative of the 1<sup>st</sup> Party Management No. 1 & 2), in the presence of Shri Dhobei Sahoo (Authorised representative of the 2<sup>nd</sup> Party-Workman) are as under.

“1. It is agreed and accepted by the management of M/s. Checkmate Services Pvt. Ltd., Contractor (OP-1&2) to payment of terminal benefits in full and final for an amount of Rs. 22,000/- (Rupees Twenty Two Thousand) only for rendering service of 2 (Two) years and 5 (Five) months & 11 (eleven) days.

2. It is agreed and accepted by the management of M/s. Checkmate Services Pvt. Ltd., Contractor (OP-1&2) to pay of terminal benefits through Cheque No. 274581, Dated 10.03.2023 amount of Rs. 22,000/- to the workman on today i.e. Dt. 03.04.2023.

3. The settlement is reached out of good will and volition of parties.”

7. It is relevant to mention here that the 2<sup>nd</sup> Party-Workman has filed a petition stating therein that he has no more claims against the 1<sup>st</sup> Party Managements No. 3 & 4 (Axis Bank Ltd.).

8. Considering the facts and circumstance and the submissions of the stake holders of this case, the Tribunal is of the opinion that whatever dispute was existing between the 2<sup>nd</sup> Party-Workman and the 1<sup>st</sup> Party-Managements, the same have already been settled and no further adjudication is required under the Act.

9. Hence this award is passed in terms of the Memorandum of Settlement arrived at between the 2<sup>nd</sup> Party-Workman and the 1<sup>st</sup> Party-Management No. 1 & 2. The Memorandum of Settlement filed by the parties in this case forms part of the order.

10. This is the award of this Tribunal.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 4 जुलाई, 2024

**का.आ. 1372.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स आईसीआईसीआई बैंक लिमिटेड के प्रबंधन, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1 दिल्ली के पंचाट (74/2023) प्रकाशित करती है।

[सं. एल-12011/10/2023-आई.आर.(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 4th July, 2024

**S.O. 1372.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 74/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No -1 Delhi* as shown in the Annexure, in the industrial dispute between the management of M/s ICICI Bank Ltd. and their workmen.

[No. L-12011/10/2023–IR(B-I)]

SALONI, Dy. Director

## ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI NO. 1  
NEW DELHI.

ID.No. 74/2023

Sh. Awadhesh Kumar

Through Hindustan Engineering and General Mazdoor Union

D-2/24, Sultanpuri, Delhi-110086

.....Workman

Versus

1. M/s ICICI Bank Ltd.

SD Shoppers Arcade, Plot No. 1, Community Center,

Rohini Sector-9, Delhi-110085

2. M/s C.I. Group Pvt. Ltd., 581/3, Floor,

Chirag Delhi, Delhi-110017

.....Management

## AWARD

In the present case, a reference was received from the appropriate Government vide letter No. L-12011/10/2023 (IR(B-I)) dated 17/02/2023 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

## SCHEDULE

*“Whether the demand raised by Hindustan Engineering and General Mazdoor Union vide letter dated nil for reinstatement of Sh. Awadhesh Kumar S/o Amarjeet, security guard, is justified, fair and legal? If yes, what relief is Sh. Awadhesh Kumar entitled to and what other directions, if any, are necessary in the case?”*

2. Both parties were put to notice and the claimant.

3. However, the matter has been amicably settled between the parties.

5. The claimant Awadhesh Kumar vide separate statement made before this Tribunal on 23.08.2023 stated that he has settled the matter in terms of MOS dated 23.08.2023, which is Ex-C-I, which is duly signed by him with the management in full & final settlement of claims, by accepting an amount of Rs.76,000/- (Rupees seventy six thousand only) by way of Cheque bearing No.151303 & 151304 dated 07.07.2023 drawn on ICICI Bank, as full and final settlement of all his claims, as such, it is held that the claim/ dispute of the workman/claimant stands finally settled. Settlement of the parties shall form integral part of this Award. Award is passed accordingly.

Let a copy of this Award be sent for publication as required under Section 17 of Act.

Justice VIKAS KUNVAR SRIVASTAVA, Presiding Officer

Date: 02.04.2024.

नई दिल्ली, 4 जुलाई, 2024

**का.आ. 1373.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार केंद्रीय लोक निर्माण विभाग के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 दिल्ली के पंचाट (100/2022) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-186]

सलोनी, उप निदेशक

New Delhi, the 4th July, 2024

**S.O. 1373.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.100/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No -1 Delhi* as shown in the Annexure, in the industrial dispute between the management of CPWD and their workmen.

[No. L-12025/01/2024-IR(B-I)-186]

SALONI, Dy. Director

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI NO.1 NEW DELHI.

##### ID.No. 100/2022

Sh. Ankit Kumar,  
Through All India General Mazdoor Trade Union,  
170, Bal Mukund Khand, Giri Nagar Kalkaji,  
New Delhi-110019

Workman

Versus

1. CPWD Division DED-302, DIZ Area Sector-4, Raja Bazar Gole Market,  
New Delhi-110001  
II. Address: Electrical Sub-Division IV, DED-302, CPWD,  
C-21, 2<sup>nd</sup> Floor, Emporia Building B.K.S. Marg,  
New Delhi-110001
2. M/s Swastik Electrotech Pvt. Ltd.  
Through its Directors Mr. Narinder Kumar  
Address: 2/44, A/4, Kalu Sarai, Hauz Khas  
New Delhi-110016

Management

#### AWARD

1. This is an application under Section 2-A of the I.D. Act whereby, the applicant made prayer that his termination from the service on 19.10.2021 by the management which be declare illegal and unjustified and he be reinstated with full back wages. He has not been provided any legal facilities. When the workman went to join his job he was illegally terminated from his service on 19.10.2021 without any rhyme or reason and without conducted any domestic enquiry by the management. He has initiated the conciliation proceeding but, no result. Hence, he had filed the present claim petition.

2. Both parties were put to notice and the claimant, filed statement of claim. It is clear from the statement of claim that claimant has challenged the so called termination dated 19.10.2021 as alleged to be illegal.

3. Management resisted the claim of the workman, by filing counter reply to the claim statement.

4. However, the matter has been amicably settled between the parties.

5. The claimant Ankit Kumar vide separate statement made before this Tribunal on 02.04.2024 stated that he has settled the matter in terms of MOS dated 02.04.2024, which is Ex-C-I, which is duly signed by him with the management in full & final settlement of claims, by accepting an amount of Rs.35,000/- (Rupees thirty five thousand only) by way of cash, as full and final settlement of all benefits claims, as such, it is held that the claim/ dispute of the workman/claimant stands finally settled. Settlement of the parties shall form integral part of this Award. Award is passed accordingly.

Let a copy of this Award be sent for publication as required under Section 17 of Act.

JUSTICE VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1374.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कडोई ट्रांसपोर्ट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक



विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (एल सी/आर/22/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03/07/2024 को प्राप्त हुआ था।

[सं. एल-22012/15/2023-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1374.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (LC/R/22/2023) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **Kadoi Transport Limited** and their workmen, received by the Central Government on **03/07/2024**.

[No. L-22012/15/2023-IR (CM-II)]

MANIKANDAN. N , Dy. Director

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/22/2023

Present: P.K.Srivastava

H.J.S..( Retd)

The Zonal Secretary

Janta Mazdoor Sangh

231, Ambedkar Nagar, Shakti Nagar

District – Sonbhadra (M.P.)- 231222

Workman

Versus

1. The General Manager

Jayant Project, NCL

Post Jayant, Distt.- Singrauli (M.P.)-486889

2. M/S. Kandoi Transport Limited,

Jayant Project, NCL, Post Jayant

District – Singrauli (M.P.)-486890

Management

### AWARD

(Passed on this 03rd day of July-2024.)

As per letter dated 21/02/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/15/2023 IR(CM-II) dt. 21/02/2023. The dispute under reference related to :-

“क्या जोनल सचिव, जनता मजदूर संघ का ठेका श्रमिकों की सेवा छटनी लाभ से संबंधित मांग का मेसर्स कन्डोई ट्रांसपोर्ट लिमिटेड, जयंत परियोजना, सिंगरौली एवं महाप्रबंधक, जयंत परियोजना—एन.सी.एल. से दावा न्यायोचित है ? यदि हां, तो ठेका श्रमिकों के संबंध में उक्त यूनियन किस अनुतोश का पात्र है ? ”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

### AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1375.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कडोई ट्रांसपोर्ट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर** के पंचाट (एल सी/आर/23/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को **03/07/2024** को प्राप्त हुआ था।

[सं. एल-22012/17/2023-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1375.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**LC/R/23/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **Kadoi Transport Limited** and their workmen, received by the Central Government on **03/07/2024**.

[No. L-22012/17/2023-IR (CM-II)]

MANIKANDAN. N , Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/23/2023

Present: P.K. Srivastava

H.J.S ( Retd)

The Zonal Secretary  
Janta Mazdoor Sangh  
231, Ambedkar Nagar, Shakti Nagar  
District – Sonbhadra (M.P.)- 231222

Workman

Versus

3. The General Manager  
Jayant Project, NCL  
Post Jayant, Distt.- Singrauli (M.P.)-486889
4. M/S. Kandoi Transport Limited,  
Jayant Project, NCL, Post Jayant  
District – Singrauli (M.P.)-486890

Management

#### AWARD

(Passed on this 03rd day of July-2024.)

As per letter dated 21/02/2023 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/17/2023 IR(CM-II) dt. 21/02/2023. The dispute under reference related to :-

“क्या जोनल सचिव, जनता मजदूर संघ का ठेका श्रमिकों की सेवा छटनी लाभ से संबंधित मांग का मेसर्स कन्डोई ट्रांसपोर्ट लिमिटेड, जयंत परियोजना, सिंगरौली एवं महाप्रबंधक, जयंत परियोजना—एन.सी.एल. से दावा न्यायोचित है ? यदि हां, तो ठेका श्रमिकों के संबंध में उक्त यूनियन किस अनुतोष का पात्र है ? ”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

#### AWARD

**In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.**

Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1376.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंधित नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -सह -श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 70/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1376.**— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 70/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/07/2024**.

[No. L-22013/01/2024-IR (CM-II)]

MANIKANDAN. N , Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT

**JUSTICE ANIL KUMAR  
PRESIDING OFFICER**

**I.D. No. 70/2020**

Ref. No. D/859/AB/2020/48/IRDDN

Arun Kumar V/s FCI

#### BETWEEN

Sri Arun Kumar S/o Shri Ramsewak, village-Dhansua, PS and PO- Dhansua, Tehsil, Sadar, District.  
Farrukhabad U.P.

..... **Applicant**

#### AND

(1) The General Manager (Principal Employer)

Food Corporation of India, Regional Office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow (U.P.)

- (2) The Regional Manager (Appointment Authority), Food Corporation of India (FCI), District Office, Shahjahanpur U.P.
- (3) Sri Rajendra Saxena (Representative)  
M/s Keshav Singh and Ors. T.P. No. 315, Katia Tolla, Shahjanpur (U.P.) ..... **Opp. Party**

### AWARD

By letter/order dated 09.09.2020 following dispute has been referred to this Tribunal.

*“Whether the termination of the service of Sri Arun Kumar S/o Shri Ramsewak, who was engaged in Roja Depot of FCI, Shahajanpur, (U.P.) by M/s Keshav Singh, Contractor of FCI for the period 08.07.2008 to 23.04.2010 is proper and justified.*

*If not, to what relief, the workman is entitled to?”*

Accordingly I.D. Case No. 70/2020 registered before this Tribunal.

On 14.03.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that he was initially appointed with the respondent on 23.04.2010 however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the services were dispensed on 24.04.2020)

On behalf of the respondent statement of defence filed on 10.03.2023 in which preliminary objection also taken by the respondent.

Thereafter following orders have passed (relevant) are quoted as under:-

#### On 9.10.2023

Sri Shashwat for OP.

None for applicant.

WS filed taken on record, copy be sent to claimant and filed proof thereof by next date of listing.

List on 5.12.2023 for rejoinder.

#### On 5.12.2023

Matter taken up in revised list.

None for claimant.

Sri Dharendra Singh for OP.

List on 22.02.2024 for rejoinder.

OP to file proof of service of written statement.

#### On 12.4.2024

Taken up in revised list.

Sri Dharendra Singh, advocate for FCI. None for claimant.

Heard learned counsel for respondent.

Filed reserved for order.

Accordingly after hearing the learned counsel for respondent, going through the record.

In view of the above said facts and taking into consideration the law as laid by the Hon'ble High Court in the case of V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194 as under:

*"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."*

In the case of **M/s Upton Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

*"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led*

*by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."*

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary- cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

*"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."*

As the workman/claimant has not filed any statement of claim so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

Date 18.04.2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1377.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 36/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1377.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 36/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/07/2024**

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

**I.D. No. 36/2020**

Ref. No. D/817/AB/2020/09/IRDDN

Omkar V/s FCI

#### BETWEEN

Sri Omkar S/o Sri Tole Ram village-Shekahpur, P.O. Bharkhera, Tehsil- Bisalpur District- Pilibhit (U.P.)

..... Applicant

#### AND

(1) The General Manager (Principal Employer)

Food Corporation of India, Regional Office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow (U.P.)

- (2) The Regional Manager (Appointment Authority), Food Corporation of India (FCI), District Office, Shahjahanpur U.P.
- (3) Sri Rajendra Saxena (Representative)  
M/s Keshav Singh and Ors. T.P. No. 315, Katia Tolla, Shahjahanpur (U.P.)

..... Opp. Party

### AWARD

By letter/order dated 09.09.2020 following dispute has been referred to this Tribunal.

*“Whether the termination of the service of Sri Omkar S/o Sri Tole Ram, who was engaged in Roja Depot of FCI, Shahjahanpur, (U.P.) by M/s Keshav Singh, Contractor of FCI for the period 08.08.2008 to 23.04.2010 is proper and justified.*

*If not, to what relief, the workman is entitled to?”*

Accordingly I.D. Case No. 36/2020 registered before this Tribunal.

On 14.03.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that he was initially appointed with the respondent on 23.04.2010 however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the services were dispensed on 24.04.2020)

On behalf of the respondent statement of defence filed on 10.03.2023 in which preliminary objection also taken by the respondent.

Thereafter following orders have passed (relevant) are quoted as under:-

#### On 11.05.2023

Matter taken up in revised list.

Mo. Ovais, holding brief of Sri Dharendra Singh for FCI.

None for claimant. Heard and perused cord.

WS taken on record, recalling order dated 26.12.2022. Respondent is directed to send copy of WS to claimant and file proof thereof by next date of listing.

List on 07.08.2023 for rejoinder.

#### On 07.08.2023

Matter taken up in revised list.

Sri Shashwat holding brief of Sri Dharendra counsel for FCI, prays to produce proof regarding sending of WS to claimant, time granted.

List on 13.11.2023 for rejoinder.

Notice to claimant.

#### On 08.03.2024

Sri Dharendra Singh, for FCI. None for claimant.

List on 10.04.2024 for ex-parte hearing.

Office is directed to issue notice to claimant.

#### On 10.04.2024

Taken up in revised list.

Sri Shashwat, holding brief of Sri Dharendra Singh for OP.

None for claimant in spite of notice.

File reserved for order.

Accordingly after hearing the learned counsel for respondent, going through the record.

In view of the above said facts and taking into consideration the law as laid by the Hon'ble High Court in the case of V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194 as under:

*"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file*



written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v.**

**Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

*"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."*

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary- cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

*"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."*

As the workman/claimant has not filed any statement of claim so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

Date 18.04.2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1378.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 28/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1378.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 28/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/07/2024**.

[No. L-22013/01/2024- IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

**I.D. No. 28/2020**

Ref. No. D/822/AB/2020/14/IRDDN

Mohammad Sarafraj V/s FCI

**BETWEEN**

Sr. Mohammad Sarafraj  
S/o Sri Riyasat Ali  
Mohalla- Jalal Nagar P.O. Shankar Khas,  
PS- Sadar Bazar, Tehsil- Sadar,  
District Shahjahanpur (U.P.)

..... Applicant

**AND**

- (4) The General Manager (Principal Employer)  
Food Corporation of India, Regional Office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow (U.P.)
- (5) The Regional Manager (Appointment Authority), Food Corporation of India (FCI), District Office,  
Shahjahanpur U.P.
- (6) Sri Rajendra Saxena (Representative)  
M/s Keshav Singh and Ors. T.P. No. 315, Katia Tolla, Shahjanpur (U.P.)

..... Opp. Party

**AWARD**

By letter/order dated 09.09.2020 following dispute has been referred to this Tribunal.

*“Whether the termination of the service of Mohammad Sarafraj S/o Sri Riyasat Ali, who was engaged in Roja Depot of FCI, Shahajanpur, (U.P.) by M/s Keshav Singh, Contractor of FCI for the period 08.08.2008 to 23.04.2010 is proper and justified.*

*If not, to what relief, the workman is entitled to?”*

Accordingly I.D. Case No. 28/2020 has been registered before this Tribunal.

On 14.03.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that he was initially appointed with the respondent on 23.04.2010 however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the services were dispensed on 24.04.2020)

On behalf of the respondent statement of defence filed on 10.03.2023 in which preliminary objection also taken by the respondent.

Thereafter following orders have passed (relevant) are quoted as under:-

**On 11.05.2023**

Matter taken up in revised list.

Mohd. Ovais, holding brief of Dharendra Singh for FCI.

None for claimant. Heard and perused record.

WS taken on record, recalling order dated 26.12.2022.

Respondent is directed to issue copy of WS to claimant and file proof thereof on next date of listing.

List on 07.08.2023 for rejoinder.

**On 07.08.2023**

Matter taken up in revised list.

Sri Shashwat, holding brief of Sri Dharendra counsel for FCI, prays to produce proof regarding sending of WS to claimant, time granted.

List on 13.11.2023 for rejoinder.

Notice to claimant.

**On 08.03.2024**

None for claimant.

Sri Dharendra Singh for FCI

List on 10.04.2024 for ex-parte hearing.

Office is directed to issue notice to claimant.

**On 10.04.2024**

Taken up in the revised list.

Sri Shashwat, holding brief of Sri Dharendra Singh for OP.  
None for claimant in spite of notice.  
File reserved for order.

Accordingly after hearing the learned counsel for respondent, going through the record.

In view of the above said facts and taking into consideration the law as laid by the Hon'ble High Court in the case of V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194 as under:

*"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."*

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

*"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."*

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary- cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

*"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."*

As the workman/claimant has not filed any statement of claim so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

Date 18.04.2024

Justice ANIL KUMAR , Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1379.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 35/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1379.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 35/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/07/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW**

**PRESENT**

**JUSTICE ANIL KUMAR  
PRESIDING OFFICER**

**I.D. No. 35/2020**

Ref. No. D/816/AB/2020/08/IRDDN

Ramesh Chand V/s FCI

**BETWEEN**

Sri Ramesh Chand S/o Sri Jwala Prasad  
Village- Akhauri, P.O. Amrita Khas,  
Tehsil- Bisalpur District Pilibhit (U.P.)

..... **Applicant**

**AND**

- (1) The General Manager (Principal Employer)  
Food Corporation of India, Regional Office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow (U.P.)
- (2) The Regional Manager (Appointment Authority), Food Corporation of India (FCI), District Office,  
Shahjahanpur U.P.
- (3) Sri Rajendra Saxena (Representative)  
M/s Keshav Singh and Ors. T.P. No. 315, Katia Tolla, Shahjanpur (U.P.)

..... **Opp. Party**

**AWARD**

By letter/order dated 09.09.2020 following dispute has been referred to this Tribunal.

*“Whether the termination of the service of Shri Ramesh Chanbdra S/o Shri Jwala Prasad, who was engaged in Roja Depot of FCI, Shahajanpur, (U.P.) by M/s Keshav Singh, Contractor of FCI for the period 03.08.2008 to 23.04.2010 is proper and justified.*

*If not, to what relief, the workman is entitled to?”*

Accordingly I.D. Case No. 35/2020 has been registered before this Tribunal.

On 14.03.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that he was initially appointed with the respondent on 23.04.2010 however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the services were dispensed on 24.04.2020)

On behalf of the respondent statement of defence filed on 10.03.2023 in which preliminary objection also taken by the respondent.

**On 11.05.2023**

Matter taken up in revised list.

Mohd. Ovais, holding brief of Dharendra Singh for FCI.

None for claimant. Heard and perused record.

WS taken on record, recalling order dated 26.12.2022.

Respondent is directed to issue copy of WS to claimant and file proof thereof on next date of listing.

List on 07.08.2023 for rejoinder.

On **07.08.2023**

Matter taken up in revised list.

Sri Shashwat, holding brief of Sri Dharendra counsel for FCI, prays to produce proof regarding sending of WS to claimant, time granted.

List on 13.11.2023 for rejoinder.

Notice to claimant.

None for claimant.

Sri Dharendra Singh for FCI

List on 10.04.2024 for ex-parte hearing.

Office is directed to issue notice to claimant.

On **10.04.2024**

Taken up in the revised list.

Sri Shashwat, holding brief of Sri Dharendra Singh for OP.

None for claimant in spite of notice.

File reserved for order.

Accordingly after hearing the learned counsel for respondent, going through the record.

in view of the above said facts and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194** as under:

*"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."*

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

*"The law has been settled by the Apex Court in case of **Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR** that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."*

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary- cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

*"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."*

As the workman/claimant has not filed any statement of claim so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

Date 18.04.2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1380.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 34/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1380.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 34/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/07/2024**

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW****PRESENT****JUSTICE ANIL KUMAR****PRESIDING OFFICER****I.D. No. 34/2020**

Ref. No. D/814/AB/2020/06/IRDDN

Zamaluddin V/s FCI

**BETWEEN**

Sri Zamaluddin S/o Shri Khairati, Mohalla-Katia Tola, Post- Shahr Khas, Tehsil-Sadar, District Shahjahanpur (U.P.)

..... Applicant

**AND**

(1) The General Manager (Principal Employer)

Food Corporation of India, Regional Office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow (U.P.)

(2) The Regional Manager (Appointment Authority), Food Corporation of India (FCI), District Office, Shahjahanpur U.P.

(3) Sri Rajendra Saxena (Representative)

M/s Keshav Singh and Ors. T.P. No. 315, Katia Tolla, Shahjahanpur (U.P.)

..... Opp. Party

**AWARD**

By letter/order dated 09.09.2020 following dispute has been referred to this Tribunal.

*“Whether the termination of the service of Shri Zamaluddin S/o Shri Khairati, who was engaged in Roja Depot of FCI, Shahjahanpur, (U.P.) by M/s Keshav Singh, Contractor of FCI for the period 08.08.2008 to 23.04.2010 is proper and justified.*

*If not, to what relief, the workman is entitled to?”*

On 14.03.2021 claimant filed claim statement supported by an affidavit.



Facts stated in the claim petition are in brief that he was initially appointed with the respondent on 23.04.2010 however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the services were dispensed on 24.04.2020)

On behalf of the respondent statement of defense filed on 10.03.2023 in which preliminary objection also taken by the respondent.

Thereafter following orders have passed (relevant) are quoted as under:-

On **11.05.2023**

Matter taken up in revised list.

Mohd. Ovais, holding brief of Dharendra Singh for FCI.

None for claimant. Heard and perused record.

WS taken on record, recalling order dated 26.12.2022.

Respondent is directed to issue copy of WS to claimant and file proof thereof on next date of listing.

List on 07.08.2023 for rejoinder.

On **07.08.2023**

Matter taken up in revised list.

Sri Shashwat, holding brief of Sri Dharendra counsel for FCI, prays to produce proof regarding sending of WS to claimant, time granted.

List on 13.11.2023 for rejoinder.

Notice to claimant.

Sri Dharendra Singh for FCI

List on 10.04.2024 for ex-parte hearing.

Office is directed to issue notice to claimant.

On **10.04.2024**

Taken up in the revised list.

Sri Shashwat, holding brief of Sri Dharendra Singh for OP.

None for claimant in spite of notice.

File reserved for order.

Accordingly after hearing the learned counsel for respondent, going through the record.

In view of the above said facts and taking into consideration the law as laid by the Hon'ble High Court in the case of V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194 as under:

*"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."*

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

*"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."*

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.C.S.C. Services v. Secretary- cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

*"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."*

As the workman/claimant has not filed any statement of claim so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

Date 18.04.2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1381.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, लखनऊ के पंचाट (पहचान संख्या 19/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22013/01/2024-आई.आर.(सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1381.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 19/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Lucknow** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **05/07/2024**

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN. N , Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT

**JUSTICE ANIL KUMAR**  
**PRESIDING OFFICER**

**I.D. No. 19/2020**

Ref. No. D/815/AB/2020/07/IRDDN

Prabhat Kumar V/s FCI

**BETWEEN**

Sri Prabhat Kumar S/o Sri Kundan Lal Village-Bhainsha, Gwalpur, Post-Barkhera Tehsil-Bisalpur, District-Shahjahanpur U.P.-292301

..... Applicant

#### AND

(1) The General Manager (Principal Employer)

Food Corporation of India, Regional Office, T.C.3, V-Vibhuti Khand, Gomti Nagar, Lucknow (U.P.)

(2) The Regional Manager (Appointment Authority), Food Corporation of India (FCI), District Office, Shahjahanpur U.P.

(3) Sri Rajendra Saxena (Representative)  
M/s Keshav Singh and Ors. T.P. No. 315, Katia Tolla, Shahjanpur (U.P.)

..... Opp. Party

### AWARD

By letter/order dated 09.09.2020 following dispute has been referred to this Tribunal.

*“Whether the termination of the service of Prabhat Kumar S/o Sri Kundan Lal, who was engaged in Roja Depot of FCI, Shahajanpur, (U.P.) by M/s Keshav Singh, Contractor of FCI for the period 08.08.2008 to 23.04.2010 is proper and justified.  
If not, to what relief, the workman is entitled to?”*

On 14.03.2021 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that he was initially appointed with the respondent on 23.04.2010 however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the services were dispensed on 24.04.2020)

On behalf of the respondent statement of defence filed on 10.03.2023 in which preliminary objection also taken by the respondent.

Thereafter following orders have passed (relevant) are quoted as under:-

**On 27.03.2023**

Matter taken up in revised list.

None for claimant.

Sri Dharendra Singh for FCI filed written statement, he is directed to send a copy of same to the claimant and inform him next date and to file proof thereof on next date of listing.

**On 12.06.2023**

Taken up in revised list.

Parties absent.

Opportunity is granted for rejoinder.

List on 09.08.2023

**On 09.08.2023**

List on 3.10.2023.

**On 6.11.2023**

Parties absent.

Further opportunity is granted for rejoinder.

List on 18.1.2023.

**On 18.01.2023**

Matter taken up in revised list.

Sri Dharendra Singh for OP. None for claimant.

Learned Counsel for OP filed proof of sending copy of WS to worker, taken on record.

In the interest of justice, last opportunity is granted to workman for rejoinder, failing which case shall proceed ex-parte.

List on 10.04.2024, notice to workman.

**On 10.04.2024**

Taken up in revised list.

Sri Shashwat holding brief of Sri Dharendra Singh for OP.

None for claimant in spite of notice file reserved for order.

Accordingly after hearing the learned counsel for respondent, going through the record.

In view of the above said facts and taking into consideration the law as laid by the Hon'ble High Court in the case of V. K. Raj Industries v. Labour Court (I) and others 1981 (29) FLR 194 as under:

*"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail.*

*Whenever a workman raises a dispute challenging the validity of the termination of service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."*

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

*"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."*

**Services v. Secretary- cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519;** wherein it has been held as under:

*"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."*

As the workman/claimant has not filed any statement of claim so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

Date 18.04.2024

Justice ANIL KUMAR, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1382.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (25 and 26/2016) प्रकाशित करती है।

[सं. एल -12011/3/2016- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 5th July, 2024

**S.O. 1382.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.25 and 26/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/3/2016- IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present : Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 25 and 26 OF 2016**

**Parties : Employers in relation to the management of  
Central Bank of India**

AND

**Its Union Central Bank Employees Federation of India**

Appearance :

On behalf of Central Bank of India: Smt. Madhumita Das, A.R.

On behalf of the Union : Mr. Shyama Prasad Bhattacharjee ,

**Dated: 20th May, 2024**

**AWARD**

This award covers both the above mentioned two reference cases as in both the cases parties are same and issues for adjudication are also same. More so, both the parties have relied on the same set of documents and examined the same witnesses.

That by two separate order No. L-12011/3/2016-IR (B-II) dated 14-03-2016 and order no. L-12011/5/2016-IR (B-II) dated 15-03-2016, the Central Government, Ministry of Labour in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication in both the references:-

“Whether the action of the management of Central Bank of India to determine entitlement of officiating allowance to full time Safai Karmachari cum Peon on the basis of consent of management and majority of Union as spelt out in the office circular dated 31-12-2011 ignoring an agreement dated 29-05-2000 is legal or justified? If not, to what relief the concerned workmen is entitled?”

The concerned union has raised the both the above disputes in respect of subordinate staff of Central Bank of India, alleging that circular dated 31-12-2011, issued by the Bank has affected the service conditions of subordinate staff of the bank as the same violates valid and binding settlement with regard to the promotion policy agreement dated 29-05-2000. That the impugned circular has superseded, varied, changed, modified and amended the settlement dated 29-05-2000 as the conditions of employment of subordinate staff of the bank are governed by Sastry Award, Desai Award and Memorandum of Settlement executed in between the management of bank represented by the Indian Banks' Association and the recognised Association, Federation and Unions of the workmen of the banks.

That the workmen belonging to both subordinate and non-subordinate cadres are entitled to additional pay called Special Pay for performing duties requiring greater skill and responsibility than what is required for performing routine duties of the Cadre.

That Dafftary is one of such designations/ nomenclature within the Subordinate Cade. If a subordinate staff is designated as Dafftary even for a temporary basis the same has to be done in terms of Promotion Policy Agreement dt.29-05-2000 and special pay paid to the incumbent in such cases is called officiating allowance. By issuing the disputed circular dated 31-12-2011, the nomenclature “Dafftary” is extended to Safai Karmachari cum Sub Staff who are recently elevated from Part Time Safai Karmachari on the conditions: the officiating to such sub-staff can be entrusted in the Branch/office where the only one sub-staff as Safai Karmachari cum Peon is posted.

That in view of promotion policy agreement dt.29-05-2000 the permanent part time peons upon their elevation as full time peons are eligible to be included in the seniority list only after completion of 24 months of service from the date of their elevation to full time peon.

The inter-se seniority of the members shall be reckoned from the date of joining in the bank, irrespective of their date of change of designation/ elevation as the case may be. That post requiring technical skill, officiating shall be allowed on the basis of seniority-cum-suitability.

The norms for assignment of officiating allowance of Dafftary has laid down in the promotion policy agreement, constitutes a condition of employment and it can be modified and/or varied and/changed only through another settlement or award in terms of Industrial Disputes Act 1947.

That change in the norms for assignment of Officiating Allowance of Dafftary can be brought through award or settlement or by issuance of a notice u/s 9-A of the Industrial Disputes Act, 1947, but the management of the bank issued the circular dated 31-12-2011 bringing a change in the conditions of employment of the workmen concerned in the matter of assignment of Officiating Allowance and which infringed the right and entitlement of elevated peons in the branches where more than one peon is posted, from being considered for officiating as per his/her inter se seniority in terms of provisions of PPA.

The circular dated 31-12-2011 modified the norms of assignment of officiating allowance of Dafftary to juniors, ignoring the rightful claims of seniors. The circular based on mutual consent cannot supersede or subvert or substitute the vested rights of elevated peons secured through and protected under the Promotion Policy Agreement dated 29-05-2000 which is a settlement as per provision of the Act.

Therefore, the union alleged the circular dated 31-12-2011 being in violation of the promotion policy agreement dated 29-05-2000 is void ab-initio and prayed for quashing of the circular dated 31-12-2011 and for giving necessary directions to the bank to restore the determining criteria of seniority for Officiating Allowance as per Promotion Policy Agreement dated 29-05-2000.

The bank contested the case by filing written statement and alleged the reference are liable to be dismissed being barred by limitation. The bank is a public body and it runs as per by-laws and the circulars issued by the bank from time to time. The union have no locustandi to demand change in the circular.

The disputes raised by the union is not an industrial dispute as defined in section 2-J of the I.D. Act and it does not relate to the employment or conditions of the labour of any person.

It has alleged the impugned circular dated 31-12-2011 relates to filling up the vacancy of Dafftaries in different branches and offices and it clearly provides the manner in which the vacancy has to be filled up from the subordinate staff station-wise. First amongst the inter-se seniority station-wise who are not under debarment. In case of deficit, it has to be filled up with recently elevated PTKS as Safai Karmachari-cum-Sub Staff and that too as per their inter-se seniority, though they may not have completed debarment period of 24 months. At the same time such type of staff have not been relieved from their original duty of Safai Karmachari/ Peon. That in case of branches/offices having only a single subordinate staff, then for smooth running of the business of the bank, such single subordinate staff and who may be recently elevated PTSK have been given additional duty of a Dafftari and they have not been released from their original duty as a Safai Karmachari-cum-Peon. Further, this type of staff have been provided with Special Allowance of Dafftari, only on the day they discharge the duties as a Dafftary. That it issued such circular in consonance with the promotion policy agreement dated 29-05-2000. Therefore, it has prayed for dismissal of the reference.

The record shows in both the reference cases, the union has examined Sri Tapash Biswas, President of Central Bank Employees Federation of India as W.W. No.1 and through whom the union got the following documents exhibited. Xerox copy of Promotion Policy Agreement dated 29-05-2000 in four pages, Xerox copy of letters dated 16-12-2015, 27-07-2015 and 07-09-2015 and the disputed circular dt. 31-12-2011 and which have been marked as Exb. W-1 to W-5.

On the other hand, the management too has examined Sri Gufran Beg, Ex-Chief Manager (HRD) as M.W. No.1 in both the cases and through whom copy of letter dt.24-10-2011, copy of letter dt.16-11-2011 and copy of memo of agreement dt.29-05-2000 have been exhibited as Exb. M-1 to M-3.

However, the management was found absent on the day those cases were fixed for hearing argument while the authorised representative of the union has filed written notes of argument. Accordingly, the present award is passed on the basis of materials on record and taking into consideration the written notes of argument submitted by the union.

The union in its written notes of argument has contended what has been stated in its claim statement.

In view of the contents of the pleadings of the parties discussed above, the present dispute revolves around the circular dated 31-12-2011. It is the case of the union that such circular violates the agreement dated 29-05-2000 while the management contended that for betterment of the business of the bank, it has issued the circular and which does not violate the terms and conditions of the agreement dated 29-05-2000.

Therefore, let me find out whether the circular dated 31-12-2011 has brought a change in the service conditions of the subordinate staff of the bank as alleged and is there any violation of terms and conditions of Promotion Policy Agreement for Award Staff dt.29-05-2000?

Exhibit-W-1/M-3 appear to be Memorandum of Agreement signed on 29<sup>th</sup> May, 2000 between the management of Central Bank of India and All India Central Banks' Employees Federation relating to Promotion Policy Agreement for Award Staff. Chapter-S-VII of such agreement relates to Identification/ Selection of Subordinate Staff to Posts Attracting Special Pay and which read as follows:-

S7.1 – As and when management decides to fill up vacancies attracting Special Pay in subordinate staff cadre, the same shall be done on station-wise basis.

S7.2- For Special Pay carrying post other than those requiring technical skill.

S7.2.1 – As and when management decides to fill up the vacancies attracting Special Pay in subordinate cadre which do not require technical skill, viz. cash peon, bill collector, Dafftary etc. the same shall be filled in through the station wise seniority of the members of the full time subordinate staff either not drawing any Special Pay



and/or drawing Special Pay lower to that of the one proposed to be filled in (excluding Watch & Ward Staff, Armed Guard, Sweepers, Waterman, Tiffin Boys, Farash, Hamals, FTSKs/PTSKs and other subordinate staff holding Special Pay carrying posts requiring technical skill like Drivers, Liftman, Air-conditioning Plant Helper, Electrician) : after adding weightages for educational qualification/defence service (wherever applicable), as provided in this Agreement.

S7.2.2- Members of full-time subordinate staff who are Watch & Ward staff, Armed Guards, Sweepers, Waterman, Tiffin Boys, Farash, Hamals, FTSKs and other subordinate staff holding Special Pay carrying posts requiring technical skill like Drivers, Liftman, Air-conditioning Plant Helper, Electrician, etc. and are converted as Peons are eligible to be included in the seniority list for identification/selection to posts carrying Special Pay under this provision, only after completion of 24 months of service reckoned from the date of change of their designation as "Peons".

Similarly, the permanent part-time Peons upon their elevation as full time Peons are eligible to be included in the seniority list for identification/ selection to posts carrying Special Pay under this provision only after completion of 24 months of service from the date of their elevation to full time Peons.

Provided, however, in all the above situations, the inter-se seniority of the members shall be reckoned from the date of joining in the bank irrespective of their date of change in designation/ elevation, as the case may be.

S7.2.3 – Members of the subordinate staff who have become Matriculate or Graduate while in Bank's service shall be given notional weightage of 2 years subject to the condition that they have completed minimum 24 months service in the Bank, reckoned from the date of probation in subordinate cadre.

S7.2.4 – As between two or more members working with same date of joining in the bank's service, the inter-se seniority shall be determined as under:-

- (a) A member having longer period of temporary service, if any, in the bank based on the actual number of days worked in the bank, shall have priority in seniority.
- (b) In the absence of (a) above, the ranking for seniority shall be on the basis of date of birth i.e. the member who will retire on superannuation earlier under the bank's rules shall have priority in ranking.

S7.2.5 – A member of subordinate staff refusing to accept the post attracting Special Pay when offered to him shall be debarred for posting/officiating to /in posts carrying Special Pay higher to that of the one he was drawing, for a period of 12 months from the date of refusal.

S7.2.6 – A member of subordinate staff who is transferred from one station to another at his request shall be debarred for posting/officiating to the post attracting Special Pay (including for the post requiring technical knowledge) for a period of 24 months from the date of such transfer. This clause shall, however, not be applicable if there is no other eligible member of subordinate staff for the relevant Special Pay carrying post to the station.

S7.2.7 – Subordinate staff against whom disciplinary action is taken/pending will be dealt with in terms of the provisions of relevant chapter of this Agreement.

S7.2.8 – Subordinate staff posted to Special Pay carrying posts besides performing the duties prescribed for relevant Special Pay posts, shall perform other duties of his cadre as may be assigned to them by the management from time to time.

Prima facie S7.1 provides unilateral power to the management to decide station-wise or as per the need of a particular branch and for smooth functioning of the business of the branch how to fill up vacancy attracting special pay in subordinate staff cadre. But at the same time the other clauses provide how the vacancy attracting special pay amongst subordinate staff cadre has to be filled up.

The disputed circular dated 31-12-2011 read as follows:-

Officiating to and identification for special pay posts in subordinate staff – Clarification and eligibility of "Safai Karmachari –cum-peon", therefore.

Summary: With mutual consent of Management and Majority Union for Award Staff i.e. AICBEF, it is clarified that:-

- i. While permanent vacancies of Dafftries may be filled up with those sub-staff as per station-wise inter-se seniority, who are not under debarment as per above provisions, the deficit, if any, may be filled up with recently elevated PTSKs as "Safai Karmachari-cum –Sub Staff" as per their inter-se seniority, although they have not completed the debarment period of 24 months. It is also clarified that in addition to the duties of Dafftry he/she shall continue to perform the duties of "Safai Karmachari" and also Sub-staff even after they are identified for the post of Dafftry.

- ii. Officiating as “Dafftary” in branches may be allowed to Safai Karmachari-cum-Sub Staff who are recently elevated from PTSK subject to the following conditions:-
  - (a) The officiating to such staff can be entrusted in the branch/ office where the only one staff as Safai Karmachari-cum-Peon, is posted.
  - (b) He/she shall perform all regular duties of Safai Karmachari and Peon including cleaning the Branch premises etc. in addition to duties of Dafftary.
  - (c) His/her prime duty will be cleaning of premises, which should not be allowed to suffer due to other duties.
  - (d) Allowance is payable for actual number of days for discharging the duty of Dafftary.
1. As you are aware that in terms of S7.2.2 of Promotion Policy Agreement of Award Staff, members of full time subordinate staff who are converted as Peons are eligible to be included in the seniority list for identification / section to post carrying Special Pay under this provision, only after completion of 24 months of service reckoned from the date of change of their designation as “Peon”.
2. This being so, references are being received from various Zones/Regions as to the treatment to be given to the PTSKs who have been converted as “Safai Karmachari-cum-Peon” in full time as one time dispensation w.e.f. 01-04-2011, for entrusting the post of “Dafftary” which carries special pay on officiating and/or permanent basis through due process.
3. The matter has accordingly examined in consultation with Majority Union for Award Staff i.e. AICBEF and with mutual consent, the following position is clarified:-
  - (i) While permanent vacancy of Dafftaries may be filled up with those sub-staff as per station-wise inter-se seniority, who are not under debarment as per above provision, the deficit, if any, may be filled up with recently elevated PTSKs as “Safai Karmachari-cum-Sub Staff” as per their inter-se seniority, although they have not completed the debarment period of 24 months. It is also clarified that in addition to the duties of Dafftary he/she shall continue to perform the duties of “Safai Karmachari” and also Sub Staff, even after they are identified for the post of “Dafftary”.
  - (ii) Officiating as “Dafftari” in branches may be allowed to Safai Karmachari-cum-Sub Staff who are recently elevated from PTSKs subject to the following conditions :-
    - (a) The officiating to such staff can be entrusted in the branch/ office where the only one staff as Safai Karmachari-cum-Peon, is posted.
    - (b) He/she shall perform all regular duties of Safai Karmachari and Peon including cleaning the Branch premises etc. in addition to duties of Dafftary.
    - (c) His/her prime duty will be cleaning of premises, which should not be allowed to suffer due to other duties.
    - (d) Allowance is payable for actual number of days for discharging the duty of Dafftary.
4. All Zonal Office/ Regional Office are accordingly advice to take note of the above clarification for compliance and in turn inform to the branches and offices functioning under their jurisdiction, for their compliance.

Thus, from the disputed circular particularly from para-3, it appears while filling up the permanent vacancy of Dafftary amongst the sub-staff priority has been given to **those sub-staff as per station-wise inter-se seniority and who do not belong to debarred category. In case of deficit**, in a particular station or if there is no sub-staff who do not belong to debarred category, then the vacancy of Dafftary may be filled up with recently elevated part time Safai Karmacharies as ‘Safai Karmachari-cum-Sub Staff’ as per their inter-se seniority, although they have not completed the debarment period of 24 months. It further provides those Safai Karmachari-cum-Sub Staff who have not completed the debarment period of 24 months are required to continue to perform the duties of Safai Karmacharies and also sub-staff.

It further provides that in any branches, **if there is only a single sub-staff as Safai Karmachari cum Peon and in case he is a recently elevated from PTSK the job of Dafftary has to be assigned to him**, but whose primary duty will that of a Safai Karmachari and will be paid Special Allowance only for the day he or she works as a Dafftary.

Thus, this Tribunal finds the disputed circular to be just and fair and being issued by the bank in consonance with Chapter-S7 of Memorandum of Agreement dated 29-05-2000 and preference being given to those staff who are

already working in the permanent subordinate cadre and maintaining station-wise inter-se seniority and in case no such staff is available in any station then it should be given to those who have been elevated from PTSK and who have not completed debarred period of 24 months and on the condition even after being designated as a Dafftari with special pay allowance those workmen are required to discharge their original duty as a sub-ordinate staff cum peon or Safai Karmachari. That in case in a branch if there is only one single subordinate staff then he/she should be given additional duty of Dafftari and on condition his/her primary duty will be that of a Safai Karmachari and Peon and will be paid Special Allowance of a Dafftari only for the days he/she work as a Dafftari.

Thus, this Tribunal does not find any change being introduced in the condition of service of subordinate staff of the bank by the disputed circular or seniority being compromised. That union has failed to produce any document to show that the service of Subordinate Staff is transferrable from one station to another station like non-subordinate staff and those senior most subordinate staff posted elsewhere were/are willing to join those station and branches which do not have subordinate staff and those who do not belong to the category of those recently elevated from Part Time Safai Karmachari and who have not completed debarred period. Thus, in such situation question of senior most subordinate staff being superseded only to get the benefit of Dafftary does not arise. Since Dafftary too belongs to the category of sub staff and as such union cannot say that the post of Dafftary is a promotion post, no doubt, the post of Dafftary carries Special Pay but at the same time the senior most Subordinate Staff should be ready to join those stations and branches which may have only recently elevated PTSK and who have not completed debarred period or a single subordinate staff station having only recently elevated PTSK.

Further, in the present reference cases, the union which has raised the dispute happens to be Central Bank Employees Federation of India and not a recognised majority union at corporate level i.e. All India Central Bank Employees Federation and also admitted by W.W. No.1, the President of the unrecognised union in his evidence in chief on affidavit that its union was not a party to the agreement dt. 29-05-2000.

The disputed circular prima facie shows it was issued by the bank after obtaining consent from the majority union for Award Staff i.e. All India Central Bank of Employees Federation, who was a party to the Promotion Policy Agreement for Award Staff dated 29-05-2000 and on which the present union placed its reliance and alleges the disputed circular violates the agreement dt. 29-05-2000. When the present union accepts the memorandum of agreement dt. 29-05-2000 with regard to promotion policy agreement for Award Staff, binding upon it, then it cannot challenge the disputed circular issued by the bank after obtaining mutual consent from the recognised majority union a party to the agreement dt.29-05-2000. Thus present union is bound by the decision taken by the majority union in accepting the disputed circular.

In view of the above, this Tribunal does not find any merit in the dispute raised by the concerned union. Accordingly, Reference No. 25 of 2016 and 26 of 2016 are dismissed by this common award.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 5 जुलाई, 2024

**का.आ. 1383.—**केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गैस अथॉरिटी ऑफ इंडिया लिमिटेड के कारखानों और स्थापनाओं के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से छूट प्रदान करती है और यह छूट राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए प्रभावी होगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;
- (2) कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने और स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रवर्तन के अधीन था ऐसी विवरणियां, ऐसे प्ररूपों में और ऐसी विधिष्ठियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;

- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या निगम का इस प्रयोजन के लिए इस निमित्त प्राधिकृत कोई अन्य पदधारी—
- (i) उक्त अधिनियम की धारा 44 की उपधारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरणी में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या
  - (ii) यह अभिनिश्चयन करने के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
  - (iii) यह अभिनिश्चयन करने के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन प्रसुविधाओं को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या
  - (iv) यह अभिनिश्चयन करने के लिए कि उस अवधि के दौरान, जब उक्त कारखाने और स्थापना के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा—
    - (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए वह आवश्यक समझता है; या
    - (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वह आवश्यक समझते हैं; या
    - (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
    - (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना; या
    - (ङ) ऐसी अन्य शक्तियों का प्रयोग करना जो विनिर्दिष्ट की जाए।
- (6) अपविनिधान या निगमीकरण के मामले में, प्रदत्त छूट स्वतः रद्द हो जाएगी और तब नई इकाई को छूट के लिए समुचित सरकार को आवेदन करना होगा।

[सं. एस-38014/03/2021- एस. एस-1]

धीरेंद्र मोहन खरे, अवर सचिव

New Delhi, the 5th July, 2024

**S.O. 1383.**—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **The Gas Authority of India Limited** from the operation of the said Act and the exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such

- returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
  - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
  - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
  - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
    - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
    - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
    - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
    - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
    - (e) exercise such other powers as may be specified;
- (6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and the new entity may apply to the appropriate Government for exemption.

[No. S-38014/03/2021-SS-I]

D.M. KHARE, Under Secy.

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1384.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (01/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1384.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.01/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12025/01/2024- IR (B-I)]

SALONI, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K.D. Bhutia, Presiding Officer.

Application No. CGIT- 01 OF 2016 U/s. 2A(2) of I.D. Act.

## Parties :

Sri Sisir Kumar Ghosh, S/o Ramjiban Ghosh, 119,  
Deshapriya Jotindra Mohan Road, 24, Parganas (South),

Kolkata-700 137.

...Applicant

-Vs-

1. The Branch Manager, State Bank of India, Budge Budge Branch, Kolkata-700 137.

2. The Chief General Manager, State Bank of India, Samriddhi Bhavan, Kolkata-700 001.

...Opp. Parties

**Appearance :**

On behalf of the Applicant : None

On behalf of the Opp. Parties : Mr. S. Mukherjee, Adv. & Mrs. P. Shaw

**Dated 17th January, 2023**

**ORDER**

The Management is represented by its Ld. Counsel.

In spite of all possible endeavour this Tribunal has not been able to trace out the legal heirs of the deceased alleged workman Sisir Kumar Ghosh.

The record shows the workman through his Counsel was last present before this Tribunal on 13.03.2020 and thereafter neither the workman nor his Counsel appeared before this Tribunal to conduct the case or to cross-examine the Management witness Shri Satyaki Biswas.

Notice of appearance sent to the workman after the joining of this present P.O. has returned with postal endorsement addressee is dead.

Therefore, this tribunal decided to dispose of the case on the basis of material on record by invoking the provisions of Rule 22 of I.D. Rules 1957. Heard Ld. Counsel for the Management.

The present case has been started on the application U/s. 2A(2) of I.D. Act filed by Sisir Kumar Ghosh against the Authority of State Bank of India, Budge Budge Branch for his reinstatement with full back wages and other consequential benefits.

It is the case of alleged workman that he worked as a messenger in S.B.I. Budge Budge Branch on and from December, 1995. That he was terminated from the service on 22.08.2015 by adopting Hire and Fire Policy for filing Writ before the Hon'ble High Court, Calcutta being No. C.O. 180 (W) of 1996 and as a counter blast of the Hon'ble High Court order dated 20.08.2015.

That his last drawn pay was Rs.13,880/-. He was not served with any show cause notice and without hearing him, the Management has most illegally terminated him.

The Management in its W/S has admitted engaging the deceased as a Messenger on temporary basis since 1984 and on extension his service was extended till 1995.

The deceased filed a Writ Petition challenging his alleged termination in the year 1996 being No. C.O. 180 of 1995 and which was dismissed on 20.08.2015.

The deceased was allowed to work on temporary basis even after discontinuation of engagement of temporary employee in view of the pending case before the Hon'ble High Court i.e. C.O. No. 180(W) of 1996.

The Bank made an offer for absorption in permanent cadre to the deceased but he declined in view of the pending Writ.

The service of the deceased was discontinued from panel of temporary employee w.e.f. 01.04.1997. Thus it has alleged in view of the outcome of the result of Writ Petition, the present case is not maintainable.



However, the deceased to prove his case has examined himself as WW.No.1.

On the other hand the Management has filed evidence on affidavit of one Satyali Biswas, but he was not examined by the tribunal or his evidence on affidavit was not tendered, but eight documents have been exhibited from the side of the Management on formal proof being dispensed with.

Having considered the evidence and materials on record the fact remains the Bank had engaged the deceased as temporary casual worker in the year 1984 and he worked in the same capacity till he was prevented from entering bank premises on and after 22.08.2015.

That his temporary job was discontinued in the year 1995 and against such act of the Bank, it has moved the Hon'ble High Court, Calcutta and filed C.O. (W) 180 of 1996 and he obtained a stay order. On the strength of such stay order he was allowed to work as a casual by the Bank till 22.08.2015. That C.O.(W) 180 of 1996 was dismissed on 20.08.2015 with the finding the dispute relates to another concerning regularisation and or absorption of the petition and which is relates to Industrial Dispute and no relief can be granted under Act, 226 of the Constitution.

Now, it is settled law part time employee are not entitled to such regularisation if they are not working against any sanctioned post, further such casual work is required to work for more than 240 days in a calendar year.

The Circular dated 30.03.1992 issued by Zonal Office of Bidhan Nagar shows the post of messenger, non-messenger, guards and sweepers are sanctioned post and as such it had taken decision to absorb those temporary – casual workers working for them to fill up such vacancies and prepared a panel and which reflects name of the present workman.

The documents exhibited from the side of the Management shows that settlement there took place in between the Bank and its employees' union from time to time the Bank has agreed to consider the cases of those temporary employees for permanent appointment provided they complete 240 days in 12 months or 270 days in aggregate in any continuous bloke of 36 calendar months or those who have completed minimum 30 days aggregate temporary service in any calendar year or a minimum 70 days aggregate temporary service in any continuous block of 36 calendar months.

That name of the deceased workman was empanelled for consideration for absorption in permanent post of sub-staff.

Documents filed by deceased workman but which have not been exhibited and lying in the record shows that deceased had rendered his service as a temporary casual to the Bank from 1984 to 1995 as below.

In the year 1984 he had rendered	= 33 days
In the year 1988 „ „ „	= 54 days
In the year 1989 „ „ „	= 204 days
In the year 1990 „ „ „	= 159 days
In the year 1991 „ „ „	= 271 days
In the year 1992 „ „ „	= 241 days
In the year 1993 „ „ „	= 195 days
In the year 1994 „ „ „	= 221 days
In the year 1995 „ „ „	= 140 days

But nothing is there to show whether the deceased worked after 1995 i.e. after he filed writ petition before the Hon'ble High Court against the Management.

The Bank vide its letter dated 26.07.1997 has offered the deceased to join its establishment as a leave reserve part –time messenger. Nothing has come on record whether he joined as a part-time leave reservists messenger or not.

Order that have been passed by the Hon'ble High Court in C.O. 180(W) 1996 shows the parties were directed to maintain status quo of the service of petition be maintained. But there is nothing on record to show that after 1995, the workman was working in the establishment of Bank till 2015 as claimed by him or as per the direction of the Hon'ble High Court.

If the workman was working for the Bank even after 1996 then a question arise why Bank would issue letter dated 26.07.1996 offering him a temporary job of leave reservist as a part-time messenger. Therefore, nothing has come on record to show that he continued to work as a casual in the Bank till 22.08.2015.

In fact I find after dismissal of his writ petition filed in the year 1996 on 20.08.2015 he has cooked up a story of continuity in casual service till 22.08.2015 for the purpose of this case, which is otherwise time barred in view of provision of Sec. 2A(3) of the I.D. Act.

Therefore, I do not find any merit in the present case U/s. 2A(2) of the I.D. Act filed by Sisir Kumar Ghosh against the Management of S.B.I. Budge Budge Branch.

Accordingly, the CGIT 01/2016 is dismissed and award is passed to that effect.

Send copy of the Award to the Ministry for doing needful.

Justice K.D. Bhutia, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1385.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार **कर्नाटक बैंक लिमिटेड** के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (34/2022) प्रकाशित करती है।

[सं. एल -12011/24/2022- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1385.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.34/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Karnataka Bank Ltd. and their workmen.

[No. L-12011/24/2022– IR (B-I)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 34 OF 2022**

**Parties:** Employers in relation to the management of

**Karnataka Bank Ltd., Overseas Branch Kolkata-1**

**AND**

**Their Workmen**

Appearance:

On behalf of Management

: Present

On behalf of the Workmen

: Absent

**Dated 24th January, 2023**

#### AWARD

The Management / the Principal Employer files Vakalatnama. However, today too Ld. Counsel for the Contractor Employer M/s FIS Ltd. fails to file Vakalatnama.

Be that as it may, the Bengal Provincial Bank Contractor Employees Association, which has espoused the present dispute demanding Central Minimum Wages for the security guards provide by Contractor to the Bank has failed to appear before the Tribunal to pursue the matter and proceed further with the hearing inspite of having received notice of the present reference case on 15.09.22 as per acknowledgement card.

Therefore, it can be safely assumed the Union is either not interested to conduct the case or it has no grievance against the employers for not granting Central Minimum Wages from 01.10.2008 to 31.03.2010 to the

employees namely Munshif Md. Ali (Gunman) and Shri Mahadev Roy (Guard), engaged by M/s FIS Ltd. in the establishment of M/s Karnataka Bank.

Accordingly, the present reference Case No. 34 of 2022 referred by the Govt. of India, Ministry of Labour vide its office letter No. L-12011/24/2022 (I.R B-I) dated 19.07.22 is disposed of and no dispute award is passed.

Send copy of this order to Ministry for doing needful.

Supply copy to the parties

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1386.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई डी बी आई बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (06/2021) प्रकाशित करती है।

[सं. एल -12011/08/2021- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1386.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.06/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of IDBI Bank and their workmen.

[No. L-12011/08/2021- IR (B-I)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 06 OF 2021**

**Parties:** Employers in relation to the management of

**IDBI Bank and Other**

**AND**

**Their Workmen/ Union**

Appearance:

On behalf of Management: IDBI Bank	: Absent
& M/s Premier Vigilance & Security Pvt. Ltd.	: Present
And M/s IB Security Maintenance Service	: Absent
On behalf of the Workmen	: None.

**Dated 24th February, 2023**

#### AWARD

The Party No. 3 M/s Premier Vigilance and Security Pvt. Ltd. is present through its A.R. Unfortunately, the union which has espoused the dispute and other two employers viz. IDBI Bank and M/s IB Security and Maintenance Services are found absent inspite of due service of notice upon them as per AD Cards.

Therefore, it can be safely presumed that the union is not interested with the present case.

However, the Ministry of Labour vide its Order No. L-12011/08/2021-IR (B-I) dated 24.03.21 has referred the following dispute for adjudication.

“Whether the action of the IDBI Bank Management and their two Service Providers (i) M/s Premier Vigilance & Security Pvt. Ltd. and (ii) M/s IB Security and Maintenance Services in terminating the services

of 09 contractual workers without giving any terminal benefits is justified? If not, as to what relief the concerned workmen are entitled to?”

Since the Union which has raised the present dispute is not inclined to pursue the hearing and conduct the case by filing claim statement, this tribunal find there is no point in ragging the matter further.

Thus at this stage, there is no material in record to decide the issue under reference from conduct of the union, it can be informed that it has no grievance against the employer.

Accordingly, no dispute award is passed and Reference Case No. 06/2021 is disposed of.

Send copy of this Award to the Ministry for doing needful.

Supply copy to the parties as per law.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1387.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (16/2005) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-1)-188]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1387.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.16/2005) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Standard Chartered Bank and their workmen.

[No. L-12025/01/2024– IR (B-I)-188]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO.16 OF 2005**

**Parties:** Employers in relation to the management of

**Standard Chartered Bank**

**AND**

**Their Workmen**

Appearance:

On behalf of Management: Standard  
Chartered Bank

: Ld. Adv. S.K. Dey

On behalf of the Workmen

: Absent.

**Dated 15th March, 2023**

#### AWARD

The workman Rabindra Nath Das for whose further evidence the present reference case has been pending since 12.04.07 is found absent on calls.

The Management is present through its Ld. Counsel and who submits tht workman has been playing hide and seek game since the case has been fixed for his evidence in the Year 2007 and due to his such conduct his evidenced could not be completed even after lapse of more than fifteen years. The sole object of the workman is to harass the management. Therefore, management prays for passing necessary order.

Considered. Perused the record. Indeed I find substance in the submission made by Ld. Counsel for the Management.

Therefore, the Tribunal decided to dispose of the case on the basis of materials on record in view of Rule 22 of the Industrial Dispute (Central) Rule, 1957.

The Govt. of India, Ministry of Labour in exercise of the power conferred u/s 10 (1) (d) of (2A) of the Act referred the following issues adjudication vide Order No. L-12012/2/2005 (IRB-I) dated 29.04.2005 to this tribunal:

“Whether the action of the management of Standard Chartered Bank, Human Resources, benefits & funds Administration, Kolkata-700001 in terminating the service of Sh. Rabindra Nath Das, Cleaner/ Peon from the bank is legal and justified? If not, to what relief the workman concerned is entitled to?”

The facts giving rise to the present dispute in brief is that on the recommendation of one Shyam Babu Balmiki, the Head Jamader of the Bank, the workman was engaged by Bank as a Sweeper/ Cleaner/ Peon on casual basis in the month of January, 1989. That he served the Bank diligently by discharging all rendering works assigned to him even after office hours and during holidays till 17.11.98. He had Savings Bank Account with the Branch where he used to work with a concessional benefit as a staff member of the Bank. But he was not allowed to join his duty on and from 18.11.98 by the Head Jamader/ Sweeper. Thereby retrenched him from the job without following the statutory obligation as provided to the I.D Act. Thus, he has prayed for his reinstatement with full back wages.

Such claim of the workman has been contested by the Management of the Bank by filing w/s and where it has contended that the concerned workman if so engaged by the bank, he worked intermittently for less than 240 days in a year. It was Head Sweeper who presented the workman from attending his duty and not by Bank authority. Therefore, it has prayed for dismissal of the claim of the workman.

The record shows workman had filed his evidence in chief and affidavit on 11.08.2010 and a fresh evidence in chief an affidavit on 11.06.2014, but he never appeared in the witness box to tender his such evidence and face cross-examination. Therefore, I am not inclined to take into consideration, the evidence which have not been tendered.

That apart I do not find any document being exhibited by the workman to substantiate his case of claim.

In view of the above, there is nothing in record to substantiate the claim of the workman against the bank, first to prove that he was a casual Sweeper worked for the Bank since January, 1989 till his service was illegally terminated in the Year 1998 or that he put his service for more than 240 days in a particular year.

Thus, there is nothing to prove that he has not been given any benefit u/s 25A of the Act at the time of termination for putting continuous service for more than nine years.

Therefore, I held the workman is not entitled to get the relief as prayed for. According, the Reference Case fails and Dismissal Award is passed. The Reference Case No. 16/2005 is hereby dismissed.

Send copy of this Award to the Ministry for doing needful

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1388.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार आई डी बी आई बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (05/2010) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-1)-189]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1388.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 05/2010) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of IDBI Bank and their workmen

[No. L-12025/01/2024- IR (B-I)-189]

SALONI, Dy. Director

## ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO.05 OF 2010**

**Parties:** Employers in relation to the management of  
**IDBI Bank Limited**  
**AND**

**Their Workmen/Union**

Appearance:

On behalf of Management: IDBI Bank Limited      **:Ld. Adv. Mr. R. De**  
**(Representative)**

On behalf of the Workmen:      **: Present.**

**Dated 28th February, 2023**

### **AWARD**

The Authorised Representative of the Union is present.

The Ld. Counsel appearing for the Management files a petition along with annexures and pray for dismissal of the present reference in view of the facts that all ten employees whose cause have been espoused by the union. Challenging their transfer order from the Head Office to other branches of the Bank situated within the suburbs of Kolkata had duly joined their new place of posting and all of them have superannuated from the service and as such, the dispute under reference has become infructuous.

On such submission the authorised representative of the Union admits that all ten clerical staff of the Bank have already superannuated from their service, but alleged the Management has not paid salary to them from 3<sup>rd</sup> February, 2009 to 18<sup>th</sup> February, 2009 and such issue need to be decided before the reference is declared to be infructuous. He files copy of

representation made before the Authority of the Bank on 05.11.18. Therefore, let we see whether the issue that has been raised by the union this day is a subject matter of reference, as it is a settled law then an Industrial Tribunal has to be confined itself within the schedule of reference and cant not decide a matter which has not been referred and by framing an issue outside the schedule of reference.

From the order of Reference dated 01.06.2009 the Central Govt. has referred following issue for adjudication:-

“Whether the impugned order of transfer dated 30<sup>th</sup> January, 2009 transferring Sri Jagannath Raymandal and nine others from Kolkata branch office to various branches, is justified and legal? Whether the action of the management in relieving the workmen concerned from their duties on 2<sup>nd</sup> Feb” 09 and striking off their names from the muster role of old branch from 3<sup>rd</sup> February”2009, is to be treated as alteration in conditions of service to the prejudice to the workmen during the pendency of conciliation? What relief the workman are entitled for?”

It is the case of the union the staff of IDBI Bank of Kolkata Branch were not at all subject to inter-office transfers. Even at the event of promotion it was done within the workmen cadre including clerical staff office-wise and not centre-wise. Promotion to both clerk Gr. I and Industrial Finance Asstt. was effected at the respective office where the employee is working at the time of promotion. Therefore, the action of the Management to transfer Special Assts. from erstwhile Development Bank Segment to branches attending to retail banking operation is inconsistent with the bipartite settlement dated 26.04.85.

It has also contended that in view of Bipartite Settlement dated 16.08.2005 on payment of compensation the categories of staff who have become redundant and obsolete can be redeployed, but redeployment of the clerical staff of erstwhile Development Bank Segment to Commercial Bank Segment on the ground of Administrative Exigencies is totally arbitrary, mala fide and inconsistent.

It has also been alleged that they have been working in a particular environment for nearly three decades with specific right and privileges and due to transfer they are exposed to a new environment with new types of job profile, new *service conditin and in violation* of Section 9A of the I.D. Act.



Then they have prayed for cancellation of the transfer order dated 30.01.2009 and post them back to the Head Office at Kolkata and action of Management striking off their names from the attendance register of Head Office from 03.02.09 to be illegal.

On the otherhand, the Bank in its written statement has contended the Union has no locus standi to raise the dispute. The dispute is barred by Resjudicata in view of order passed in W.P. No. 19376 (w) 2009 between Basanta Kr. Roy Vs. IDBI Bank Ltd. on 24.12.09.

In view of the IDBI Repel Act, 2003, the Industrial Development Bank of India has come to known as I.D.B.,I Bank Ltd. after incorporation as a Banking Company w.e.f. 1<sup>st</sup> Oct., 2004. The I.D.BI Bank Ltd. is allowed to conduct Banking Business as R.B.I notified IDBI Bank Ltd. as a schedule Bank and categorised as Public Sector Bank as Govt. of India hold more than 97% of share.

The employees working in erstwhile Development Bank continued to work in the same capacity under the same pay-scale and allowed all the service benefits which they were enjoying earlier.

To streamline the banking business to achieve synergy and operation efficiency and to expand its business in banking, the Bank opened several Branches and relocated its existing staff in the newly created Branches and transfer order was passed in conformity with terms of settlement applicable to the employees and their union. The transfer was made in normal course of business of the Bank. Thus, it has prayed for dismissal of the Reference Case.

Fortunately or unfortunately, the Union which has raised the present dispute has failed to adduce both oral and documentary evidence in support of its claim, the transfer of 10 clerical staff of the Bank is in violation of the standing orders or the terms and conditions of the settlement, if any, between the Management and the Union or that on transfer from Head Office of the Bank to its branches have caused change in the service condition of those transferred clerical staff.

It is very interesting to note that nothing is there in the claim statement of union to show indeed in between 03.02.2009 to 18.02.2009. Workmen Viz.

Shri Adhir Kr. Roy and Shri Dulal Chandra Halder were not allowed to join their duty and they were not paid for the said period.

It is settled principle of law that no party can be allowed to traverse beyond its pleading and make out a new case.

The letter dated 05.11.18 filed by the Union. This day prove the Union has raised a new issue dated back to 03.02.09 to 18.02.09 only in the year 2018 i.e. almost more than nine years of the reference.

Therefore, I am not inclined to take into consideration the issue raised by union this day by producing a letter dated 05.11.18.

It may be true that before incorporation of Industrial Development Bank as a Banking Co. in the Year 2004, the clerical staff of Head Office of Development Bank before passing of the Repel Act of 2003 used to work only in the Head office and they were not subjected to transfer.

But after incorporation as Banking Co. and having several branches for expansion of the business of the Bank, the staff of such establishment cannot claim that their service is not transferable and on transfer their service condition have changed.

For instance, it is a matter of common knowledge that the service of staff/ officer/ group-D staff of Nationalised Bank such as S.B.I Bank of India etc. is a transferable job. On transfer from one branch to another branch, the persons working in the nationalized bank cannot say or claim there is change in the service conditions.

Today the management has produced Industrial Development Bank of India (Staff) Rule, 1980 and Chapter IV of such Rule deals with conduct, discipline and appeal.

Clause 26 specifically provide that “unless in any case it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Development Bank and he shall serve the Development Bank in its business in such capacity and at such place as he may from time to time be directed.”

From Clause 26 of the Service Rules to which the concerned employees were bound to show that their service was at the disposal of the Management and shall be subjected to transfer to any place of the business of the Bank.

So, a question arise how the Union can say that the service of these 10 clerks were not transferable.

More so, it failed to produce bipartite agreement/ settlement to prove that the service was/is not transferrable or they were promoted within the Head Office and their promotion was not centre-base.

Further, the documents filed by the Management as Annexure-B the disputed transfer order shows that

- (1) Sri Jagannath Ray Mandal, who was transferred from S.S.G Kolkata to Brabourne Road Branch and Annexure-F shows that he retired from Brabourne Road Branch on 31.12.13.
- (2) Sri Basant Kr. Ray, Special Assistant who was transferred from SSG-Kolkata to Bansdrani retired on 28.02.2017 from Bansdrani Rd. Branch.
- (3) Sri Nitish Kr. Datta, Special Assistant transferred from S.S.G Kolkata to Park Street and was retired on 31.12.2014 from Park Street.
- (4) Barun Kumar Chakraborty, Special Assistant transferred from M.C.G Kolkata to Khardha was retired on 30.04.14.
- (5) Nilratan Kundu, Special Assistant, PBS Kolkata transferred to Gariahat Branch and was retired on 31.08.2019 from Behala Branch.
- (6) Adhir Kumar Roy, Special Assistant transferred from S.S.G Kolkata to Dum Dum and was retired on 31.01.2015 from Dum Dum.
- (7) Kishore Datta, Special Assistant transferred from S.S.G Kolkata to Konnager and retired from Chinsurah Branch on 30.09.2019.
- (8) Smt. Mita Basu, Special Assistant transferred from PBG Kolkata to Salt Lake and retired from Salt Lake Branch on 31.12.2018.
- (9) Sri Dulal Chandra Halder, Special Assistant transferred from Recovery Kolkata to Shyambazar and retired from Esplanade Branch on 31.10.16.
- (10) Sri Ganesh Chandra Kanji, Special Assistant transferred from SSG Kolkata to Girish Park and retired from the same branch on 30.04.2016.

Thus, from the above documents, it appears that all workmen who have challenged their transfer order dated 30.01.2009 have retired from the service.

Annexure-F further proves that all those ten workmen have joined their respective place of transfer and some worked in their transferred place till their retirement and some have retired from some other branches and which proved that they were later transferred to some other branches apart from the one mentioned in the disputed transfer order.

Therefore, at this stage the claim of the Union have become redundant and infructuous.

More so, the Union has failed to prove that on transfer, their service condition were changed or they suffered financial loss.

That apart workmen Basant Kumar Roy had challenged the impugned order of transfer by filing WP No. 19376 (W) of 2009 and such Writ Petition was rejected and Hon'ble High Court of Calcutta has held "So far the question of transfer is concerned, there is no special privilege for a trade unionist. AT least no such circular or rule has been brought to my notice. Thus, when a question of transfer is to be examined, the concerned employee should be viewed as a regular employee only. In such a situation, in my opinion such high degree of prejudice not being caused to the Writ Petition which would automatically led to an inference thus the act complaint against has been mala fide. The justification of the bank for effecting such transfer also appears to me to be valid. The petitioner, in the present case at best has been able to demonstrate that there could be possibility of mala fide. But having regard to the explanation given by the bank justifying their action, I do not think the petitioner has been able to discharge the burden of proving mala fide. Under the circumstance, I do not find any reason to interfere with the order of transfer in this Writ Petition".

Considering the entire facts and circumstance of the case, I find the claim of the union to be frivolous and raised the dispute just to harass the management.

Consequently, the reference is not maintainable and dismissed. Reference Case No. 5 of 2010 is dismissed on contest.

An Award of dismissal is hereby passed.

Send copy of the Award to the Ministry of Labour for doing needful.

Supply copy to the parties.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1389.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलएचएमसी और एसोसिएटेड एसएसके और केएससी अस्पताल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय नं० II, नई दिल्ली** के पंचाट (आई डी नम्बर **197/2022**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/07/2024** को प्राप्त हुआ था।

[सं. एल-20013/01/2024- आई आर (सी.एम-I)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1389.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID No. 197/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court N0.II, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **LHMC & Associated SSK & KSC Hospital** and their workmen, received by the Central Government on **08/07/2024**

[No. L-20013/01/2024 – IR (CM-I)]

MANIKANDAN. N , Dy. Director

#### ANNEXURE

**SH. ATUL KUMAR GARG, PRESIDING OFFICER, CENTRAL GOV. INDUSTRIAL-TRIBUNAL  
CUM – LABOUR COURT NO II, NEW DELHI**

**ID.No. 197/2022**

**The General Secretary,  
All India General Kamgar Union,  
U- 90, Shakarpur, Delhi-110092.**

#### VERSUS

- 1. The Director,**  
Lady Harding Medical Collage (LHMC)  
& Associated SSK & KSC Hospitals, New Delhi- 110030.
- 2. Competent Services,**  
F-62, M.B. Road, Lado Sarai, New Delhi- 110030.
- 3. M K Enterprises,**  
L-46, 2<sup>nd</sup> Floor, Mahaipalpur Extension,  
Delhi- 110037.

#### ORDER

The appropriate Government Sh. **D. K. Himanshu**, Government of India, Ministry of Labour/ Shram Mantralya has sent the reference refer dated 03.06.2022 to this tribunal for adjudication in the following words:

*“Whether the objection raised by the management of LHMC & Associated SSK & KSC Hospitals vide letter dated 18.04.2022 that the statement of claim filed by Shri Surya Prakash, Advocate merit dismissal being contrary to the provisions of I.D. Act, 1947, is proper, legal and justified? If yes, whether the demands of All India General Kamgar Union, Delhi vide letter dated 30.03.2022 to the management of LHMC & Associated SSK & KSC Hospitals, M/s MK Enterprises and M/s Competent Services, are proper, legal and justified? If yes, to what relief(s) is the disputant union entitled and what other directions, if any, are necessary in the matter?”*

After receiving the said reference, notices were issued to both the parties. Both the management and the claimant have not been appearing since the reference has been received to this tribunal. Even, the claimant has not come forward to file his claim statement before this tribunal, despite, providing a number of opportunity.

In these circumstances, this tribunal has no option except to pass the no disputant award. Hence, no disputant award is passed. Award is passed accordingly. File is consigned to the record room. A copy of this award is hereby sent to the appropriate government for notification under section 17 of the I.D Act 1947.

Date: 21.03.2024

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1390.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंधु होल्डिंग प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 82/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/07/2024 को प्राप्त हुआ था।

[सं. एल-11012/8/2021- आई आर (सी.एम-I)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1390.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 82/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court NO. 1, New Delhi** as shown in the Annexure, in the industrial dispute between the Management of **Sindhu Holding Pvt.Ltd.** and their workmen, received by the Central Government on **08/07/2024**

[No. L-11012/8/2021– IR (CM-II)]

MANIKANDAN. N , Dy. Director

**ANNEXURE**

**Before the Justice Vikas Kumar Srivastava (Retd.) Presiding Officer, Government of India Ministry of Labour & Employment, Central Government Industrial Tribunal Cum – Labour Court-I, New Delhi**

**ID No. 82/2021**

Sh. Surender s/o Sh. Rati Ram  
Through Samast Delhi Karamchari Union (Regd)  
Office: 52-C, Okhla Industrial Estate,  
Phase III  
New Delhi - 110020.

Workman...

Versus

M/s Sindhu Holding Private Ltd.  
Management M/s Sindhu Trade Links Limited,  
C-11, near Gold Zing, Rajauri Garden,  
New Delhi – 110027

M/s Delhi International Airport Ltd. (DIAL)  
Terminal 1 and 3, IGI Airport,  
New Delhi – 110037.

Management...

**AWARD**

In the present case, a reference was received from the appropriate Government vide letter No-L-11012/8/2021-IR(CM-I) dated 07.06.2020 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

**SCHEDULE**

“(i) Whether Sh. Surender S/o Sh. Rati Ram (Trolley retriever) was terminated in an illegal and arbitrary manner by the Management of M/s Sindhu Holding Pvt. Ltd. (M/s Sindhu Trade Links Limited) in the establishment of M/s Delhi International Airport Ltd. (DIAL)? If yes, whether the said workman i.e. Sh. Surender S/o Sh. Rati Ram is entitled for reinstatement with full back wage?

(ii) What other relief the workman is entitled to?”

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of

the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Justice VIKAS KUNVAR SRIVASTAVA (Retd.), Presiding Officer

Date: 30.11.2023

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1391.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (एल सी/आर/87/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/07/2024 को प्राप्त हुआ था।

[सं. एल-22012/63/2018- आई आर (सी.एम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1391.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (LC/R/87/2018) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the Management of S.E.C.L. and their workmen, received by the Central Government on 05/07/2024.

[No. L-22012/63/2018– IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/87/2018

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Chandra Bhushan Mahato

Central Vice President

Chhattisgarh Swatantra Mazdoor Union Gevra

Korba Area, M/D-395, Dipka Colony Po-Gevra

Project, Korba (C.G.)-495452

Workman

Vs

The General Manager

SECL, Gevra Area

Po-Gevra, Distt.-Surguja

Chhattisgarh-495452

Management

**(JUDGEMENT)****(Passed on this 10<sup>th</sup> day of June-2024)**

As per letter dated 29/10/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-22012/63/2018 IR (CM-II) dt. 29/10/2018. The dispute under reference relates to:

***“Whether, the action on the part of the management of SECL Gevra Area, P.O. Gevra, District Surguja (CG) by inflicting punishment to Pitman Post instead of downgrading one increment in respect of Sh. Chandra Bhushan Mahato instead of Clerk Grade-III in comparison to his colleague Shri Virendra Das in the same matter and depriving promotional opportunity in comparison to his co-workers namely Jitendra Sharma and Shamsher Khan in the same proportionate manner tantamounts to depriving of financial benefits and mental agony ? If not, what relief the concerned workman Chandra Bhushan Mahato is entitled to ?”***

After registering a case on the basis of the reference, notices were sent to the parties and were served. The workman did not appear inspite of service of notices on him and did not even file statement of claim. Management filed its written statement of defense.

**According to management**, the workman was initially appointed as General Mazdoor, Category-I w.e.f. 23.03.1985. He was promoted to Clerk, Grade-II on 04.06.1986. In 1989, he was considered with other workers Jitendra Sharma and Shamshad Khan for promotion to Clerk, Grade-I on the basis of seniority cum merit but was not recommended by DPC because in his confidential report for last three years, he was rated poor. Jitendra Sharma and Shamshad Khan were recommended for promotion to Clerk, Grade-I. In 1990, the workman was issued a charge sheet dated 16.09.1990 for marking false attendance of one employee Rajesh Sahu similar charges were issued to other employee Virendra Das, Clerk, Grade-III on 24.06.1990. Both the employees were found guilty of the charges and were punished with demotion to next lower scale from the scale in which they were working vide order dated 01.06.1991, hence the workman was reverted from Clerk Grade-II to Clerk Grade-III. He was considered for further promotion and was promoted to Clerk Grade-II vide order dated 30.04.2007 and to Clerk Grade-I on 25/27.11.2010. Hence, could not claim parity with Jitendra Sharma and Shamshad Khan, who were promoted to Clerk Grade-I much before the workman. He raised disputes which were decided against him by this Tribunal. Accordingly, management has prayed that the reference be answered against the workman.

In evidence, management has filed affidavit of its witness as his examination in chief and photocopy documents Ex. M/1 to M/16 proved by this witness. These documents are mainly the service documents of the workman and awards of this Tribunal, to be referred to as and when required.

I have heard argument learned Counsel for management Shri Neeraj Kewat. The workman side has neither filed written argument nor has made any oral submission. I have gone through the record as well.

The reference is the issue for determination in this case.

The initial burden to prove his claim is on the workman. He has not filed any statement of claim nor any evidence. On the other hand, management witness has corroborated the case of management.

Hence, in the light of above facts, holding the claim of workman not proved, the reference stands answered accordingly. No order as to cost.

P.K.SRIVASTAVA, Presiding Officer

Date:- 10/06/2024

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1392.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार **आन्दा बैंक** के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (01/2017) प्रकाशित करती है।

[सं. एल -12011/21/2016- आई आर (बी-II)]

सलोनी, उप निदेशक



New Delhi, the 8th July, 2024

**S.O. 1392.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 01/2017) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank and their workmen.

[No. L-12011/21/2016– IR (B-II)]

SALONI, Dy. Director

# ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present:** Justice K. D. Bhutia, Presiding Officer.

**REF. NO.01 OF 2017**

**Parties:** Employers in relation to the management of

**Andhra Bank**

**AND**

**Their Workmen/ Union**

Appearance:

On behalf of Management: Andhra Bank  
& Contractor Employer M/s Orion Security  
Solutions Pvt. Ltd.

: Present

On behalf of the Workmen

: Absent

**Dated 11th January, 2023**

# AWARD

The Management and the contractor employer are present through their respective authorised representative.

Today too the Union which has espoused the present dispute is found absent like on the previous date and inspite of having received notice of appearance as per A.D. Card and after filing claim statement. Record shows it has stopped appearing after the case has been fixed for adducing evidenced from its side.

Such conduct on the part of the Union amply proves that it is no more interested to peruse further with the hearing of this Reference Case, referred by Ministry of Labour vide its Letter No. L-12011/21/2016- IR (B-II) dated 17.07.2016 for adjudication of the issue “Whether the action of the management of Andhra Bank, Kolkata and their service provider/contractor i.e. M/s Orion Security Solutions Pvt. Ltd., Kolkata in terminating services of 18 nos. of Security Guards (Copy enclosed and marked as Annexure-2) without paying termination benefit under section 25F of I.D. Act, 1947 is legal or justified? If not, to what relief the concerned workmen are entitled?”

In the record I do not find any supporting materials in favour of the Union. From the conduct of the Union it can be assumed that it has no more grievance against the Management and Contractor Employer.

Accordingly, no dispute award is passed.

Reference Case No. 1 of 2017 is hereby disposed of.

Send copy of this Award to the Ministry for doing needful.

Supply copy of Award to the parties as per law.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1393.**— औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन, संबंध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (12/2022) प्रकाशित करती है।

[सं. एल - 39025/01/2024- आई आर (बी-II)-27]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1393.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.12/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Indian Bank and their workmen.

[No. L-39025/01/2024- IR(B-II)-27]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA****Present: Justice K.D. Bhutia, Presiding Officer.****Application No. CGIT- 12 OF 2022 U/S 2A(2) of I.D. Act.****Parties : Sh. Ratan Kumar Burman, 20/20, Dwarik, Jungle****Bye Lane (W), P.O.- Konnagar, Dist.-Hooghly, Pin-712 235.****.....Applicant****-Vs-**

**1. The Deputy General Manager, Indian Bank (Former Allahabad Bank) Zonal Office, Chinsurah, Dist.- Hooghly, Pin-712 103.**

**2. The Branch Manager, Indian Bank (Former Allahabad Bank) Radha Gobindanagar Branch, 87, B.B.D. Road, P.S.-Uttarpara, Dist.-Hooghly, Pin-712 233.**

**....Opp. Parties****Appearance :**

On behalf of the Applicant : Sri Suvadip Bhattacharjee,  
Advocate

On behalf of the Opp. Parties : None

**Dated 20th March, 2023****ORDER**

Ratan Barman, an alleged casual / part-time / daily wage worker has filed this present case U/s 2A of the Industrial Dispute Act, 1947.

It is his case that he was appointed as a casual staff by the then Allahabad Bank, after merger known as Indian Bank for doing multipurpose works which includes filing of documents and letter, carrying cheques/letters/documents/notices to the post office and customers along with other various duties as directed by the office supervisors in the month of October, 2003.

That he diligently and sincerely discharged the assigned duties till he was illegally terminated on 25.01.2021.

That he was paid wages through vouchers. That he used to discharge perennial nature of jobs and without break like that of a permanent staff. That his service was terminated without following statutory provisions and that too after putting service as casual worker for more than eighteen years.

That due to sudden termination of his service he and his family members have been put into a great financial distress and mental agony, finding no alternative he approached the office of the Labour Commissioner for conciliation, but conciliation failed. Thus, he has filed the present case for his reinstatement in the same job as a permanent workman with full back wages.

Record shows the Management of the Indian Bank or erstwhile Allahabad Bank has failed to contest the case the workman. In fact it has failed to put appearance inspite of due service of notice of the case. Hence, the present case has been proceeded exparte against the Management of the Indian Bank.

The workman in order to substantiate its case he has examined himself as a witness No. 1. He has produced and exhibited following documents:-

1. The copy of the I.D. Card of the employee marked as Ext. W-1.
2. Copies of letter dated 12.04.2004, 12.05.2004, 21.03.2005, 21.03.2006 & 22.02.2008 as Ext. W-2 to Ext. W-2/D.
3. Original letter without date issued by Allahabad Bank as Ext. W-3.
4. Carbon copy of letter dated 18.02.2009 marked as Ext. W-4.
5. Xerox copy of letter dated 10.12.2010 marked as Ext. W-5.
6. Xerox copy of letter dated 13.07.2012 marked as Ext. W-6.
7. Xerox copy of letter dated 08.09.2012 marked as Ext. W-7.
8. Three Xerox copy of letter dated 21.11.2012, 16.12.2012 and 09.08.2013 marked as Ext. W-8, Ext. W-9 and Ext. W-10.
9. Authority letter dated 30.07.2014 bearing original signature marked as Ext. W-11.
10. Copy of letter dated 23.03.2015 marked as Ext. W-12.
11. Copy of letter dated 25.08.2017 marked as Ext. W-13.
12. Xerox copy of letter of authorization dated 25.02.2020 and 26.02.2020 are marked as Ext. W-14 and Ext. W-15.
13. The copy of complaint letter dated 03.07.2013 marked as Ext. W-16.
14. Copies of letter to Chief Manager dated 21.01.2014 and 20.01.2015 marked as Ext. W-17 and Ext. W-18.
15. Copy of complaint letter dated 16.04.2012 marked as Ext. W-19.
16. Copy of six vouchers marked as Ext. W-20, W-20/A, Ext. W-20/B, Ext. W-20/C, Ext. W-20/D and Ext. W-20/E.
17. Copy of letter dated 29.11.2021 along with track report marked as Ext. W-21 and Ext. W-21/A.
18. Copy of letter dated 29.11.2021 to Branch Manager and Local Police Station along with track report marked as Ext. W-21/B and Ext. W-21/C.
19. Copy of letter addressed to Labour Commissioner dated 14.12.2021 along with track report marked as Ext. W-22 and Ext. W-22/A.
20. Copies of letter dated 01.02.2022 along with minute marked as Ext. W-23 and Ext. W-23/A.
21. Copy of letter dated 04.04.2022 marked as Ext. W-24.
22. Copy of letter of ALC dated 06.05.2022 along with failure report marked as Ext. W-25 and Ext. W-25/A.

At the time of hearing of argument, Ld. Counsel for the workman referred to following citations to substantiate the case and claim of the workman.

1. Mohan Lal Vs. M/s Bharat Electronic Ltd. (1981) 3 SCC 225.
2. Gammon India Ltd. Vs. Niranjana Das (1984) 1 SCC 509.
3. Jasmer Singh Vs. State of Haryana and others (2015) 4 SCC 458.
4. Fisheries Dept., State of UP Vs. Charan Singh (2015) 8 SCC 150.
5. Jayantibhai Raojibhai Patel Vs. Municipal Council, Narkhed and others (2019) 17 SCC 184.
6. Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D. ED) and others (2013) 10 SCC 324.
7. Salim Ali Centre for Ornithology & Natural History Vs. Dr. Mathew K. Sebastian (2022) SCC online SC 451.
8. Allahabad Bank and others Vs. Avtar Bhushan Bhartiya 2022 SCC online SC 499.
9. ONGC Vs. Krishna Gopal and others 2020 SCC online SC 150.

10. Durgapur Casual Workers Union and others Vs. FCI and others (2015) 5 SCC 786.

11. Armed Forces Ex Officers Multi Services Co-operative Society Ltd. Vs. Rashtriya Mazdoor Sangh (INTUC) (2022) 9 SCC 586.

Now, let me see whether a casual daily rated workman whose service has been terminated can claim reinstatement in a permanent post and with back wages? And to what relief or reliefs the workman is entitled?

The documents that have been exhibited by the concerned workman show that he rendered his service to the Bank by doing sundry jobs mainly as an errand runner/messenger from April, 2004 till sometime in 2021 i.e. for more than 17 years.

It has been contended by Ld. Counsel for the workman that on completion of 240 days in a period of 12 calendar months, the workman is entitled to regularization of his service into a permanent post. Service of 240 days in a period of 12 calendar months is equal not only to service for a year, but it is to be deemed continues service U/s. 25B of the I.D. Act.

He has further contended the service of the workman was terminated on 25.10.2021 without complying with the mandatory provision of Sec. 25F, 25G and 25H of the I.D. Act and as such the termination is void as initio. The workman is entitled reinstatement with back wages and other consequential benefit.

From the unchallenged oral testimony of the workman and from the exhibited documents it is seen he was engaged by the Bank as a casual daily rated workman. He had rendered service to the Bank from April, 2004 till 2021 for more than 17 years.

The Bank without giving any notice in writing indicating the reason for termination and without paying wages for the period of notice without paying compensation equivalent to fifteen days average pay for every completed year or continuous service or any part. Thereof in excess of six months had terminated his service.

Thus, the Bank having failed to comply the mandatory pre-conditions of retrenchment in accordance with Sec. 25F of the I.D. Act, is sufficient to render the termination as illegal.

However, the Hon'ble Supreme Court in B.S.N.L. Vs. Man singh (2012) 1 SCC 558 and in Hari Nandan Prasad and another Vs. Employer I/RTO Management of F.C.I. have been pleased to hold where termination is held to be illegal only on a technical ground of not adhering to the provisions of Sec 25F of the Act, it is not necessary that relief of reinstatement should be given as a matter of right. It may be wholly inappropriate in certain cases.

Further, it has been held the award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year precedes the date of termination, particularly daily wages has to not proper the best remedy is to award compensation as the daily wages do not hold a post and a permanent employee.

In the present case, the concerned workman no where in his evidence has stated or produced any documentary evidence to substantiate that he used to work against a vacant sanctioned post or that he possessed the required educational qualification for the post in which he has sought regularisation and absorption on reinstatement. He has failed to mention in which sanctioned vacant post he used to render his service.

The Hon'ble Supreme Court has been pleased to hold further when no post are created no vacancy to sanctioned post exist only on the ground of working for more than 240 days regularisation can not be directed. Even in cases where there are regular posts and vacancy, the procedure laid down for appointment has to be followed.

In the present the Bank in question is a Nationalised Bank and for appointment to a vacant post it has to follow recruitment rules.

Further, Hon'ble Supreme Court has been pleased to hold "the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in in all cases. Where the service of a permanent/regular and/or malafide and/or by way of victimization, unfair labour practice etc. However, when it comes to the case of termination of daily wage worker and where their termination is found illegal because of procedural defect namely in violation of Sec. 25F of the Act, the reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of Justice".

In view of the above the termination of the concerned workman a daily wage worker is rendered illegal for non-compliance of mandatory provision of Sec. 25F of the Act.

However, his prayer for reinstatement against the permanent post is rejected, being a casual daily wage worker.

Further, he has failed to prove by adducing both oral and documentary evidence indeed he rendered more than 17 years of service to the Bank against a vacant sanctioned post, by adopting unfair labour practice to deprive him the benefit of a regular staff of the Bank. He has failed to prove that he passed required qualification for the post

in which he wants reinstatement. Interesting to note he has failed to mention the name of post or designation in which he wants reinstatement whether in the Group 'D' post or in the clerical post.

Therefore, the only remedy to which the workman is entitled to is compensation. Considering the long period of service rendered by him to the Bank and taking into consideration his present age to be about 59 years, I hereby award a sum of Rupees six lakh as compensation.

The Bank is hereby directed to pay the awarded compensation of Rupees six lakh to the workman Ratan Kumar Barman with a month from the date hereof, failing which the workman shall be at liberty to realize/ recover the same in accordance with law.

The CGIT-12/2022 is allowed ex-parte in part. Award is passed accordingly.

Send copy to the Bank for compliance and send copy to the Ministry.

Justice K.D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1394.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (22/2018) प्रकाशित करती है

[सं. एल-12011/17/2018- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1394.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 22/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen.

[No. L-12011/17/2018- IR(B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

**REF. NO. 22 OF 2018**

**Parties:** Employers in relation to the management of

**Union Bank of India**

**AND**

**Their Workmen**

**Appearance :**

On behalf of Management, Union Bank of India : Absent

On behalf of the Workmen/Union : Absent

**Dated 23rd March, 2023**

#### AWARD

Both sides are found absent when the matter is called.

Record shows notice sent to the union by speed post on 17.01.2023 was duly served upon it on 18.01.2023. Today too the union fails to appear like on previous occasion inspite of due service of notice of reference as well as notice of appearance.

Such conduct on the part of the Union give rise to an inference that after raising the present dispute it is no more interested to pursue with the same.

However, the Govt. of India, through Ministry of Labour, vide order No. L-12011/17/2018-IR(B-II) dated 26.11.2018 has referred the following issue to this Tribunal for adjudication.

“ Whether the demand raised by the Union, that the action of the Management of Union Bank of India engaging 14 Nos. of outside workers for carrying out cleaning instruments is against the provision of Bipartite Settlement and other service conditions dated 2nd June, 2005 and others is legal, fair and / or justified? If action not legal, what relief the workmen are entitled to?”.

There is not a single material in record for adjudication of the above issue.

In the view of the above no dispute award is passed accordingly. The Reference case no. 22 of 2018 is disposed of.

Send copy of this Award / order to the Ministry for doing needful.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1395.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (12/2022) प्रकाशित करती है।

[सं. एल-12011/15/2022- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1395.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.12/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-12011/15/2022– IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 12 OF 2022**

**Parties:** Employers in relation to the management of

**Punjab National Bank**

**AND**

**Their Workmen**

**Appearance :**

On behalf of Management : Mr. Debashis Sarkar,  
Advocate – Present.

On behalf of the Workmen : None

**Dated 11th January, 2023**

#### AWARD

The Union which has espoused the present dispute is found absent today too, though notice of appearance has been duly served upon it long ago on 08.09.2022 as per A.D. Card.

On the other hand, Mr. Debashis Sarkar, Ld. Advocate appears for the Employer, but he has failed to file his Vakalatnama duly executed by the Employer/ party No. 2.



Be that as it may, the absence of the Union inspite of having information about the present reference case, it can be assumed that Union is no more interested to pursue with the dispute referred by the Govt. of India, Ministry of Labour vide its Letter No. L-12011/15/2022 IR(B-II) dated 04.02.2022 for determination "Whether the action of Employer, M/s Singh Intelligence Security Private Limited, Contractor of Punjab National Bank (Erstwhile Oriental "Bank of Commerce), and Principal Employer in terminating the services of contractual workmen is legal and justified? If not, what relief the workers are entitled to?"

There is no statement of claim being filed by Union. Therefore, there is nothing on record, on the basis of which the case can be proceeded. Therefore, the Union who has espoused the dispute is assumed, not to have any grievance against the Employer. Accordingly, the present case is disposed of.

No Dispute Award is passed.

Reference Case No. 12 of 2022 is disposed of without cost.

Send copy of this Award to the Ministry for doing needful.

Supply copy of this No Dispute Award to the parties.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1396.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (06/2004) प्रकाशित करती है।

[सं. एल.-12011/288/2003-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1396.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 06/2004) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/288/2003-IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present:** Justice K. D. Bhutia, Presiding Officer.

**REF. NO. 06 OF 2004**

**Parties:** Employers in relation to the management of

**Central Bank of India**

**AND**

**Their Workmen**

**Appearance :**

On behalf of Management, **Central Bank of India** : Present

On behalf of the Workmen/Union : Absent

**Dated 5<sup>th</sup> January, 2023**

#### A W A R D

The Management is present through its Ld. Counsel and who files fresh vakalatnama.

Neither the Union nor the legal heirs of deceased workman appear.

Fresh notice of appearance is issued in the name of the deceased workman with expectation that some one from his family would appear before the Tribunal, but the effort is in a vain as this time too notice has returned undelivered with postal endorsement the addressee is dead. In the record I find certificate of death of the concerned workman Krishna Bahadur who appears to have died on 16.03.2019 at E.S.I. Hospital Manicktala, Kolkata.

The Govt. of India, Ministry of Labour vide its letter No. L-12011/288/2003-IR(B-II) dated 08.03.2004 has referred the following dispute for adjudication.

“ Whether the action of the management of Central Bank of India in invoking the punishment of dismissal from Bank service without notice on Shri Krishna Bahadur as per Clause 19.6(A) of Bipartite Settlement w.e.f. 20.12.1999 is legal and justified? If not, what relief is the concerned workman is entitled to?”.

From the material on record it is seen the deceased workman was a sub-staff (Duftary) posted at Rahara Branch. He was entrusted to deposit the P. Tax and Income Tax deducted from the salary of the staff of Rahara Branch of Bank to Govt. Account with S.B.I. Barrackpore Branch. He misappropriated around Rs.44,000/- by forgoing challans and receipts etc.

On detecting non-deposit of P. Tax and I. Tax of the staff of Rahara Branch with S.B.I. Barrackpore by the workman during the relevant period, the management has served show cause notice upon him, then he was placed under suspension. charge sheeted him and departmental enquiry was started against him.

During departmental enquiry he obtained injunction order from a Civil Court. Ultimately, he took part in departmental enquiry, he was allowed to take assistance of departmental staff. The workman had examined Mr. Siddhartha Narayan Bhattacharya, Regional Secretary of the Union. He was allowed to produce documents in defence.

On completion of departmental enquiry. The Enquiry Officer submitted report finding him guilty of charge. The Disciplinary Authority after accepting the report of Enquiry Officer issued show cause notice to the workman for dismissal of his service as punishment.

Thus, considering the materials which have been filed by the parties it is seen the Management has adhered to the Principal of natural justice and terms and condition as stipulated in the standing order in respect of charge sheet, suspension, domestic enquiry and punishment for removal from service. I do not find any material to suggest unfair labour practice being adopted by Management on the workman being victimised by Management..

That apart it is seen an dismissal the workman has filed civil suit against the Management being T.S. No. 477/97 and which was dismissed. Against dismissal decree he had preferred an Appeal being T.A. No. 123 of 1998 and which was also dismissed.

After loosing the battle in the Civil Court he with the help of the Union has espoused the present industrial dispute.

The Union which has espoused the dispute is found reluctant to pursue the present reference after the death of the workman. Legal heirs of workman too did not bother to pursue the matter.

However, considering the evidence of the witnesses and material on record this tribunal does not find any illegality in dismissal of the workman fro the service of the Bank as I find the cheque of misappropriation of fund stands proved, during Departmental Enquiry and there is nothing to suggest the decision of the Management to dismiss him from service is in violation of rules & regulation or made illegally.

Therefore, the Reference Case No. 06/2004 is dismissed in merit. Accordingly, award is passed.

Let a copy of the award be sent to the Ministry for information & doing needful.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1397.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (19/2020) प्रकाशित करती है।

[सं. एल.-12011/14/2020- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1397.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.19/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12011/14/2020-IR (B-II)]

SALONI, Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 19 OF 2020**

**Parties:** Employers in relation to the management of

**Bank of India**

**AND**

**Their Workmen**

Appearance:

On behalf of Management: Bank of India: Advocate Mr. R.N.

Majumdar

& M/s FIS Payment Solution & Service Pvt. Ltd.: Adv. Soumalya Ganguli

On behalf of the Workmen : None.

**Dated 9<sup>th</sup> March, 2023**

**AWARD**

The Principal Employer Bank of India is present through its Ld. Counsel.

The Contractor/ Service Provider M/s FIS Payment Solution & Service Pvt. Ltd. (FIS) put appearance through its Ld. Counsels Mr. Soumalya Ganguli and other and who file Vakalatnama. Let it be taken on record.

Record shows M/s An Hour Solution Pvt. Ltd. had put its appearance through its Authorised Representative on the last date, but who fails to appear today.

Record shows notice of Reference Case and Notice of appearance sent to M/s Shresth Detective & Securities Pvt. Ltd. (SDS) and the Vice President, All Bengal Security & Allied Workmen's Union through Regd. Post on 04.11.20 have not returned back undelivered till date. So, a presumption can be drawn of due service.

Notice sent by speed post on 19.01.23 to both of them have been duly served as per track report in the month of January itself.

Non-appearance of the Union inspite of due service of notice of appearance on 24.01.23 itself prove that it is no more interested to proceed with the dispute "whether the claim of All Bengal Security & Allied Workman's Union that the termination of services of ATM Guards/ Caretakers of ATMs of Bank of India by the Management of Bank of India and its service provider M/s FIS Payment Solution & Services India Pvt. Ltd. (FIS), M/s Shresth Detective & Securities Pvt. Ltd. (SDS) and M/s An Hour Solution Pvt. Ltd who were working from 10 years, is illegal and unjustified? If yes, what relief the concerned workmen are entitled to?" Referred for adjudication to this tribunal by the Ministry of Labour vide Order No. L-12011/14/2020 (IR-B-II) dated 24.07.2020.

Accordingly, no dispute award is passed. Reference Case No. 19 of 2020 is disposed of.

Send copy to the Ministry for doing needful.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1398.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (05/2005) प्रकाशित करती है।

[सं. एल-12011/142/2004- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1398.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.05/2005) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-12011/142/2004-IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO.05 OF 2005**

**Parties:** Employers in relation to the management of

**United Bank of India/ Punjab National Bank .....Employer**

**AND**

**Their Workmen**

Appearance:

On behalf of Management: United Bank of India: Ld. Advocate Mr. R.N. Majumdar

On behalf of the Workmen: U.B.I Employee Union : None.

**Dated 28<sup>th</sup> February 2023**

#### AWARD

The Central Govt. in exercise of the power conferred u/s 10(1)(d) of 2A of the Industrial Dispute Act, 1947 has referred the following issue for determination by the tribunal vide Order No. L-12011/142/2004 IR(B-II) dated 17.12.04.

“Whether the action of the Management of United Bank of India (H.Q), 16, Old Court House Street, Kolkata-700001 in terminating the service of Sri Uttam Kumar Das, Head Cashier of Itahar Branch of U.B.I Malda Region by way of compulsory retirement from service is legal and justified? If not, what relief the concerned workman is entitled to?

The facts of the case as gathered from the pleading of the parties and other materials on record is that the concerned workman was a Cashier and at the relevant time he was posted at Itahar Branch.

It has been alleged while discharging the duty of Cashier at Itahar Branch, bank customer named K. Agarawal, Proprietor of Sabuj Biplab Holder having C/C A/C No. 17 had handed over Rs.1, 65,000/- to the counter manned by the concerned workman for deposit in the said account on 09.03.99, but it was complained before the authority that the workman instead of depositing Rs.1, 65,000 deposited only Rs.1,25,000/- and he also manipulated the deposit slip and showed deposit of different denomination. The concerned workman had utilised Rs.40, 000/- for his own personal gain and who refused to refund such amount to the customer.

The concerned customer published such illegal acts of the concerned workman in local Newspaper Sarai Dighi Samachar dated 16.04.99.

It has been alleged that due to such publication, the image of the bank was tarnished in the eye of general public.

The misconduct of the concerned cashier was in violation of clause 19:5 (g) of the Bipartite Settlement dated 19.10.66. Accordingly, he was charge sheeted by the Management. Domestic Enquiry was started against the concerned workman and in such enquiry he was found guilty of the charge. Accordingly, he was punished with premature retirement w.e. 16.04.2003. He preferred an appeal and which was also dismissed by the Appellate Authority.

Hence, the present reference.

The workman in his claim statement has challenged the validity of domestic enquiry. While the Management has alleged that after holding proper and confide enquiry in which the workman was given ample opportunity to defend himself, the workman was found guilty of the charge. Moreso, the workman had admitted his guilt and had returned the misappropriated sum of Rs.40, 000/- to the concerned customer. Thereby it has prayed for dismissal of the Reference, while the workman has prayed for his reinstatement with full back wages and other consequential benefits after setting aside the order of compulsory retirement.

The record shows the parties without adducing any oral evidence were allowed to produce the documents and which have been marked as Exhibited documents after formal proof of the same were dispensed with on 20.02.2008. Accordingly, 18 documents have been marked as Ext. W.1 to W.18 from the side of the workman and 12 documents have been marked as Ext. M-1 to Ext. M-12 from the side of the Management.

Ext. No. W.3 filed by the workman prima facie shows that by writing the said letter to the Regional Manager/ Disciplinary Authority, United Bank of India, Malda Regional Office, Malda, on 26<sup>th</sup> December, 2000 he had admitted committing the alleged misappropriation of customer's money to the tune of Rs.40, 000/- but has alleged that due to momentary loss of Mental Equilibrium he committed the misconduct.

It is settled Law that facts admitted need not be proved.

It is also seen from the documents filed by the Management, the concerned workman had later made refund of misappropriated amount of Rs.40,000/- on 09.04.1999.

From the record of Domestic Enquiry it is seen the Employer had duly held the enquiry after giving different opportunity to the workman to defend his case but the workman had failed to participate in the domestic enquiry.

I filed the authority had held due enquiry. And I do not find any illegality in the domestic proceeding held by the Employer or unfair practice being adopted.

Be that as it may, the proceeding of Domestic Enquiry becomes irrelevant when the workman has admitted the charge in writing. Therefore, the workman cannot challenge the validity of domestic enquiry.

Therefore, I do not find any illegality in the decision of the Management for compulsory retirement of the concerned workman who has admitted the misconduct.

Thus, I do not have any merit in the referenced case. Accordingly, the same is dismissed.

Send copy of this Award to the Ministry for doing needful.

Supply copy to the party.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1399.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (18/2020) प्रकाशित करती है।

[सं. एल. 12011/28/2020-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1399.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.18/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12011/28/2020-IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO.18 OF 2020**

**Parties:** Employers in relation to the management of

**Bank of India**  
**&**  
**M/s FIS Payment, Solution & Service Pvt. Ltd. and Others**  
**AND**  
**Their Workmen**

Appearance:

On behalf of Management : Ld. Advocate Mr. Soumalya Ganguli  
On behalf of the Workmen : None

**Dated 9<sup>th</sup> March, 2023**

**AWARD**

The Principal Employer Bank of India and one of its Service Provider M/s FIS Payment, Solution & Service Pvt. Ltd. put appearance through Ld. Advocate Soumalya Ganguli and others and who file Vakalatnama.

Let it be taken on record.

Contractor Employer M/s An Hour Solution Pvt. Ltd. had put its appearance on the earlier date, but has failed to appear this day.

Fresh notice of appearance sent to another service provider/ contractor M/s Shresth Detective & Securities Pvt. Ltd. and to the General Secretary of the union, which has espoused the dispute, through speed post have been duly served as per track report, but none of them took trouble to appear before the Tribunal this day.

Notice of Reference issued to the Union through Regd. Post on 04.11.2020 and 12.10.22 have not returned till date. So, a presumption can be drawn that notice sent through Regd. Post was duly served upon the Union in the Year 2020 and 2022 itself.

None appearance of the union inspite of due service of notice of appearance through speed post on 20.01.2023 as per track report. A presumption can be drawn that the union is no more interested to pursue with the following dispute it has raised.

The Govt. of India, through Labour Ministry's Order No. L-12011/28/2020 (IR B-II) dated 07.08.2020 has referred the following issues to this tribunal for adjudication:-

“Whether the claim of Security & Allied Workers' Union, West Bengal that the termination of services of ATM Guards/ Caretakers of ATMs of Bank of India by the management of Bank of India and its service providers M/s FIS Payment, Solution & Services India Pvt. Ltd. (FIS), M/s Shresth Detective & Securities Pvt. Ltd. (SDS) & M/s An Hour Solution Pvt. Ltd. who were working from 10 years, is illegal and unjustified? If yes, what relief the concerned workmen are entitled to?”

I do not find any materials on record to adjudicate the dispute under reference. Non-appearance of the Union inspite of notice an inference can be drawn that it has no more grievance against the employers.

Accordingly, no dispute award is passed.

Reference Case No. 18/2020 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1400.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (56/2013) प्रकाशित करती है।

[सं. एल.-12011/65/2013-आई आर (बी-II)]

सलोनी, उप निदेशक



New Delhi, the 8th July, 2024

**S.O. 1400.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 56/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Allahabad Bank and their workmen.

[No. L-12011/65/2013-IR (B-II)]

SALONI, Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 56 OF 2013**

**Parties:** Employers in relation to the management of

**Allahabad Bank, Head Office No. 2**

**AND**

**Their Workmen**

**Appearance :**

On behalf of Management, **Allahabad Bank** : None

On behalf of the Workmen / **Union** : None

**Dated 24<sup>th</sup> March, 2023**

**A W A R D**

None appears for the parties when the matter is called. Record shows since 18.02.2019 the Union who has filed evidence in chief on affidavit of its seven witnesses have failed to tender those witness for further examination on oath and failed to file any supporting documents to substantiate its claim.

Be that as it may, the Govt. of India, vide order No. L-12011/65/2013-IR(B-II) dated 21.10.2013 has referred the issue “ Whether the action of management of Allahabad Bank by not considering the demand of Union for regularization of 52 no. of personal drivers is legal and/or justified? What relief the workmen are entitled to?”.

Therefore, there is nothing to decide the issue under reference.

In view of above the reference case no. 56/2013 is disposed of and a no dispute award is passed accordingly.

Send copy to the Ministry for doing needful.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1401.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नाबार्ड के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (23/2016) प्रकाशित करती है।

[सं. एल. 12011/98/2015-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1401.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.23/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of NABARD and their workmen.

[No. L-12011/98/2015-IR (B-II)]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA****Present: Justice K. D. Bhutia, Presiding Officer.****REF. NO. 23 OF 2016****Parties:** Employers in relation to the management of**NABARD-Head Office****AND****Their Workmen**

Appearance :

On behalf of Management : Present.

On behalf of the Workmen : Absent

**Dated 23<sup>rd</sup> March, 2023****AWARD**

The Principal Employer is represented by its Ld. Advocate on record. Both the contractor employers are found absent when the matter is called. None appeared on behalf of them.

The Union as well as the concerned workman are found absent on calls, today too.

As per record today has been fixed for evidence from the side of Union/ workman. Record shows since 06.02.2020 that the case has been fixed for evidence from the side of Union, but somehow even after lapse of three years the Union or concerned workmen are found and not ready to adduce evidence for reason best known to them.

Further, none appearance of the Union or concerned workmen for last two occasions i.e. since 22.11.2022 an inference can be drawn, the Union/ workmen are not interested to pursue the case.

Be that as it may, the Govt. of India through Ministry of Labour and vide Order No. L-12011/98/2015-IR (B-II) dated 29.02.2016 has been pleased to refer the following issue for adjudication:-

- (1) 'Whether the action of the Management of M/s Vision Comptech Ltd. the ex-contractor is justified by terminating the service of Shri Subrata Pandit without complying Section 25 (a) & (b) of the ID Act, 1947 is legal and or justified? If not what relief the workman are entitled to?'
- (2) 'Whether the action of the Principal Employer is justified by directing the present contractor i.e. M/s Micro Data Computer Services (P) Ltd. not to redeploy Shri Subrata Pandit is legal and or justified in the eyes of laws? If not, what relief the workman is entitled to for and not complying of the Section 21 (4) (a) of the Contract Labour Act 1970 by paying him less amount as per computation sheet (enclosed) Annexure-A than he is entitled for, is legal/or justified?'
- (3) 'Whether the action of the present contractor M/s Micro Data Computer Services is justified by without giving an opportunity/ offer for engagement/re-employment under Section 25(h) of the ID Act is legal and or justified? If not what relief the workmen is entitled to?'

Unfortunately, except the claim statement of the Union/ workmen, there is nothing on record to corroborate or substantiate the claim of the Union / workmen and computer operator, appointed by service provider M/s Vision Comptech Pvt. Ltd. to work in the Regional Office, NABARD at Kolkata in order to maintain the office computers of NABARD in the Year 2011. That on cancellation of contract between NABARD and M/s Vision Comptech Pvt. Ltd. on 31.06.2014 and engagement of M/s Micro Data Computer Services Pvt. Ltd. on and from 01.07.2014, the Management of NABARD has failed to redeploy him and thereby deprived him his legal entitlement u/s 25(h) of the ID Act and other statutory benefits or that he is entitled to reinstatement along with back wages and other retrenchment benefits or that Principal Employer and the new Service Provider of NABARD are equally liable for his illegal retrenchment.

In view of the above, the present reference case No. 23/16 is disposed of and a "No Dispute Award" is passed accordingly.

Send copy of Award to the Ministry for doing the needful.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1402.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार सोनाली बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (32/2006) प्रकाशित करती है।

[सं. एल.-12012/142/2006-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1402.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 32/2006) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Sonali Bank and their workmen.

[No. L-12012/142/2006-IR (B-I)]

SALONI, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

REF. NO. 32 OF 2006**Parties:** Employers in relation to the management of**Sonali Bank, Apeejay House****AND****Their Workmen**

Appearance :

On behalf of Management, **Sonali Bank** : AbsentOn behalf of the Workmen / **Union** : Absent**Dated 5<sup>th</sup> January, 2023****AWARD**

The Union and Management are found absent when the matter is called for hearing. None appears on their behalf including W.W.-1 Sri Sudhir Nayak, upon whom notice of appearance has been duly served as per acknowledgement card.

Therefore, it can be safely assume that the Union which has espoused the cause of casual sweeper Shri Sudhir Nayak is not more interested to proceed further with the hearing.

Be that as it may, the Govt. of India, through Ministry of Labour vide its letter No. 12012/142/2006-IR(B-I) dated 08.12.2006 has referred the following issue to this tribunal for adjudication:-

“Whether the action of the management of Sonali Bank in discontinuing Shri Sudhir Nayak, a Casual Sweeper from the service of the Bank on 05.01.2006 is legal and justified? If not, to what relief the workman is entitled to?”.

The workman/Union in its claim statement has alleged the concerned workman was engaged by Bank at its Siliguri Branch to the post of Sweeper on 31.03.2001 and was paid consolidated daily wage of Rs.80/- only for the actual working day.

But, for no reason Bank terminated him from the service on 05.01.2006 without complying the provision of Sec 25F of the Act. Thus, it has prayed for setting aside termination letter, for regularisation of his service with wage from 05.01.2006 and all service benefit from 31.03.2001.

Such claim of the Union has been contested by the Management by filing W/S and where it has alleged that its Siliguri Branch is located in a rented premises. The workman was engaged by the Landlord to clean the bank premises and was never engaged by Bank. That there exist no employer and employee relationship between the workman and the Bank and no question of termination of his service by Bank arise.

That Bank in order to appoint Staff of different categories had issued a notice dated 15.09.2004. The alleged workman was one of the candidate for the post of Sweeper. He having disqualified in the selection process has brought a false case.

It has been alleged that the alleged workman used to run a tea stall near the Bank under the name is style “Nayak Tea Corner”. Therefore, it has prayed for dismissal of the reference case being speculative.

Record shows that Union has filed evidence on affidavit of the alleged concerned workman Sudhir Nayak and one Subrata Mitra, but had failed to produce the incumbent Sudhir Nayak for his further cross-examination by the Union. Union has failed to examine Subrata Mitra.

No such documents have been filed by the Union to show indeed Sudhir Nayak was engaged by Bank as a casual sweeper on 31.03.2001 to work at its Siliguri Branch Office or that Sudhir Nayak worked for more than 240 days as a casual sweeper for the Bank in a calendar year and that he was prevented from discharging the duty of casual sweeper from 05.01.2006.

In the record there are copies of bills and payment vouchers and which show that one Nayak Tea Corner, situated at 304, Sevoke Road, Siliguri used to supply tea and snacks to the Bank and for which payment was made from the fund of the Bank. That Sudiir Nayak, a sweeper engaged by the Landlord was paid for cleaning the bank premises in the month of April, 2001 and July, 2001.

Thus from such documents it can be inferred that Sudhir Nayak a nearby tea stall owner used to casually render his service as a sweeper to the Bank.

In the absence of proof of engagement by Bank for 240 days in a calendar year by the alleged workman it can be safely inferred that casual engagement to clean the Bank of certain days will not give right to the incumbent a tea supplier / nearby tea stall owner to claim regularisation in the service of the Bank in the post of sweeper which he has failed to pass during selection process. He has failed to prove employer-employee relationship to claim back wages and other pecuniary benefits.

Therefore, this Tribunal does not find any merit in the claim made by the Union or in the reference case.

Accordingly, reference case No. 32 of 2006 is dismissed and award of dismissal is passed but without cost.

Let copy of the Award be sent to the Ministry for information and doing needful.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1403.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (18/2018) प्रकाशित करती है।

[सं. एल-12011/38/2018-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1403.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.18/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Reserve Bank of India and their workmen.

[No. L-12011/38/2018-IR (B-I)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

**REF. NO. 18 OF 2018**

**Parties:** Employers in relation to the management of

**Reserve Bank of India****AND****Their Workmen**

Appearance :

On behalf of Management, **Reserve Bank of India** : Mr. S. Deb, Manager

On behalf of the Workmen / Union : Sri S. Chakraborty, Advocate

**Dated 9<sup>th</sup> January, 2023****AWARD**

The Union files fresh vakalatnama in favour of Mr. Somnath Chakraborty. The representative of Union Shri Srimanta Mitra files a verified petition stating that during the pendency of the Reference a settlement has been arrived in between the Management and the Union on 01.12.2021 U/R 58(4) of the Industrial Dispute (Central) Rule 1957 and as such the Union is not interested to pursue the reference as their claim have become redundant and prayed for disposal of the present reference case.

The present case has been referred by the Govt. of India, Ministry of Labour vide order No. L-12011/38/2018-IR(B-I) dated 09.11.2018 for determination of the following dispute:-

“ Whether the action of the management of Reserve Bank of India is enhancing the quota of work from 3 lakh pieces to 5 lakh pieces for workmen staff in class III (Potadar) category in respect of remittance from fresh note remittances-RBI to Currency Chest in violation of the MoS dtd. 17<sup>th</sup> March, 2016 between All India Reserve Bank Employees Association of RBI and the RBI management is legal and justified? Whether such changes are violation in the service condition of Potdar in RBI? If yes, what relief the concerned Class III workmen (Potdar) are entitled to?”.

Since the Union Reserve Bank Employees Association, at present represented by Secretary Srimanta Mitra by filing a petition does not want to pursue with the present dispute in view of settlement that was arrived in between the Management RBI and its employees Union on 01.12.2021 and as such there is nothing remain to adjudicate.

Moreso, the present Secretary of the Union vide letter dated 04.10.2022 has informed this Tribunal about the mutual settlement of dispute under reference during the pendency of the case with the Management and for closure of the present case.

Hence, there is nothing left to decide or adjudicate in view of the discussion made above as at present there exist no dispute between the Union and Management.

Accordingly, no dispute award is passed. Reference Case no. 18/2018 U/s (1)(d) & (2A) of the I.D. Act 1947 is disposed of for non-prosecution, but without any cost.

Send copy of the Award to the Ministry for information and doing needful.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1404.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (01/2019) प्रकाशित करती है।

[सं. एल.-39025/01/2024-आई आर (बी-II)-28]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1404.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.01/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-39025/01/2024-IR (B-II)-28]

SALONI, Dy. Director

## ANNEXURE

## GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present: Justice K. D. Bhutia, Presiding Officer.

**Application No. CGIT- 01 OF 2019 [U/S 2A(2) of I.D. Act.]**

Shri Manish Kumar Pandey, C/o Vineet Kumar  
Pandey (Nikunj Group), 72B, Tarak Pramanik  
Road (Near Simla Bayam Samity), Kolkata-700 006.

...Applicant

-Vs-

The Zonal Manager, Bank of India, Howrah,  
Howrah Zone, 4<sup>th</sup> floor, 5, B.T.M. Sarani,  
Kolkata-700 001.

...Opposite party

**Appearance :**

On behalf of Workman : Shri Manish Kumar Pandey  
Workman

On behalf of the Management : Mr. R.N. Majumder, Ld.  
Advocate

**Dated 17<sup>th</sup> January, 2023**

**O R D E R**

The management is represented by its Ld. lawyer. The concerned workman is also present in person.

Today has been fixed for recording evidence of the workman Manish Kumar Pandey, but Ld. lawyer appearing for the Bank submits the present case is not maintainable in view of the order passed by the Hon'ble High Court, Calcutta in writ petition No. 7589(W) of 2011 on 15.05.2018.

Having heard Ld. lawyer for the Bank, the Tribunal decided to hear the case on the point of maintainability.

The workman is enquired on certain vital points, but his reply is as inconsistent.

Be that as it may, prime facie from the record, it appear there is something a miss may be for which the workman is trying to mislead the Tribunal by giving inconsistent reply.

From the Record, it appear the workman Manish Kumar Pandey, has failed the present case U/s 2A of the Industrial Dispute Act against the Management of Bank of India challenging the order of termination of his service dated 12.07.2004 on 10.01.2019.

The facts leading to this case U/s 2A of the I.D. Act, in brief is that the workman was appointed as a clerk on compassionate ground, in the year 1994, on the death of his father while in service of the Bank in the year 1989.

While he was posted at Garden Reach Branch of the Bank as cashier-cum-Account Clerk was deputed to the office of Kolkata Municipal Corporation (K.M.C.) Garden Reach, with cash of Rs.6,30,800/- for disbursing salary of the staff of K.M.C. Garden Reach on 10.07.2003.

That he had disbursed only Rs.5,54,318/- at K.M.C. office and from undisbursed amount of Rs.76,482/- he misappropriated Rs.14,000/- and to meet the short fall of Rs.14,000/- he had withdrawn Rs.14,000/- from he already overdrawn A/c. No. 200091 and thereafter he deposited Rs.76,482/-.

Further, it was detected that while he was discharging duty at cash counter on 24.06.2003 and 27.06.2003 he had received a sum of Rs.10,000/- and Rs.14,000/- along with pay-in slip from the representative of M/s Mudilay Fishermen Co-operative society having s.B. A/c. No. 10072, but he had shown such transaction or deposit on 25.06.2003 and 01.07.2003.

On detracting such misconduct on the part of workman and which is detrimental to the Bank's reputation and interest, the Management placed him under suspension by issuing letter dated 17.07. 2003, but providing him subsistence allowance.

The Management holding the misconduct of the workman prejudicial and detrimental to the interest of the Bank in term of clause 5(2) of Memorandum of settlement dated 10.04.2002 charge sheeted the workman and copy of which was sent to the workman.

Then a departmental enquiry was instituted against the workman on the basis of charge sheet dated 29.09.2003. The Enquiry Officer had submitted his report finding the workman guilty of charges on 21.01.2004.

Against such finding the workman had submitted its representation on 30.01.2004. The Disciplinary Authority after considering the report of Enquiry Officer and representation of the workman and hearing him personally on 18.03.2004 passed the of compulsory retirement.

From the order passed by Disciplinary Authority it is seen the workman had taken active part during departmental enquiry and he had admitted the charge No. 1 levelled against him before the Enquiry Officer during perliminary hearing on 10.11.2003. He had admitted giving Rs.14,000/- to Mr. Ashoke Ram for undisbursed salary of Rs.76,428/- and later in order to make up for the deficit of Rs.14,000/- had withdrawn Rs.14,000/- from his overdrawn account No. 20091 and deposited or returned undisbursed salary of Rs.76,428/- and thereby alleged that he did not cause any financial loss to the Bank.

From against charge No. II he had mentioned in his representation dated 30.01.2014 by mistake he had put wrong stamp dated 25.06.2003 and 01.07.2003 against the deposit of Rs.10,000/- an Rs,14,000/- on 24.06.2003 and 27.06.2003 in the pay slips.

From the documents lying in the record it is seen the Disciplinary Authority had concurred with the finding of the Enquiry Officer and as such issued show cause notice dated 11.03.2004 proposing the punishment of Compulsory Retirement with superannuation benefits as per clause 6(c) of Memorandum of settlement dated 10.04.2002, with an opportunity of personal hearing on 18.03.2004.

That after hearing the workman and considering his written submission on 18.03.2004, the Disciplinary Authority confirmed the proposed punishment and imposed consolidated punishment of “Compulsory Retirement with superannuation Benefits” with liberty to prefer an Appeal before the authority concerned within 45 days of from the date of receipt of the punishment order dated 26.02.2004.

The concerned workman challenging the order of Disciplinary Authority dated 26.03.2004 has preferred an Appeal before the Appellate Authority i.e. Asst. General Manager, Kolkata Zone on 30.04.2004 who after hearing the Appellant/Workman in person and taking into consideration Appeal application on 26.05.2004 was pleased to concern with the finding of Enquiry Officer and Disciplinary Authority and rejected the Appeal of the workman 12.07.2004.

Thus from the facts that have been gathered from the documents filed by the workman it is seen that his employer adhering to the principal of natural justice and the procedure laid down for departmental enquiry, after giving imply opportunity to the workman to places his defense and hearing him on person found him guilty of the charges of violating clause 5(g) of Memorandum of settlement dated 10.04.2002 his service was terminated by way of compulsory retirement with all superannuation benefits. Thus this Tribunal does not find any unfair labour practice being adopted by the Management against the workman.

It is also seen the workman had filed writ petition No. 7583(w) of 2011 before the Hon’ble High Court at Calcutta. The order daed 15.05.2018 passed by Hon’ble High Court shows that the workman has suppressed of filing Appeal before the Appellate Authority against the order of compulsory retirement imposed by Disciplinary Authority. Such writ petition filed by the workman was dismissed being entirely devoid of merit as writ petition was vague and there was no clearing on the relief sought.

Further be in para 10 of the writ petition has alleged that he had taken out an Appeal before the Appellate Authority on November 10, 2008 and there was suppression of the fact of filing Appeal before the Authority on 30.04.2004.’

Be that as it may, the workman challenging the order of his termination from service as the result of disciplinary proceeding for misconduct as stipulated in clause 5 (j) of the Memorandum of settlement dated 10.04.2002 and affirmation of the order of compulsory retirement as punishment by the Appellate Authority on 12.07.2004, has come with the present case U/s 2A of the I.D.. Act. as 10.01.2019 i.e. almost 15 years after the termination of his service.

Sec. 2A(3) I.D. Act. specifically provide

“ the application referred to in sub-section (2) shall be made to the labour court or Tribunal before the expiring of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1).



So as per Sec. 2A (3), the workman ought to have filed the Application U/s 2A, challenging his termination of service by way of compulsory retirement within three years of dismissal of his Appeal by the concerned Appellate Authority on 12.07.2004. i. e. within 2007.

More so, nothing has come on record to show that before filing the present Application U/s 2A of the I.D. Act., he had moved an application before the Conciliation Officer of appropriate govt. for conciliation of the dispute or after expiry of 45 days from the date he made the application to the Conciliation Officer he had come to this Tribunal.

Thus, the Tribunal holds the present case of the workman or his application U/s 2A of the I.D. Act being barred by limitation is not maintainable.

The Application is totally silent about the reason of delay of 15 years in filing the application challenging the order of termination of his service.

Therefore, the present case being CGIT No. 01 of 2019 is not maintainable being barred by limitation. Accordingly, the same is dismissed, but without cost.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 8 जुलाई, 2024

**का.आ. 1405.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (27/2010) प्रकाशित करती है।

[सं. एल-12012/34/2010- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 8th July, 2024

**S.O. 1405.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.27/2010) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen.

[No. L-12012/34/2010-IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

#### REF. NO. 27 OF 2010

**Parties:** Employers in relation to the management of

**Syndicate Bank, Regional Office**

**AND**

**Their Workmen**

**Appearance:**

On behalf of Management: Syndicate Bank, Regional Office : Absent

On behalf of the Workmen : Absent

**Dated 13th February, 2022**

#### AWARD

The Management Syndicate Bank and the concerned employee Smt. Rita Das are found absent when the matter is called for hearing.

Record shows prior the world is hit by Pandemic both the workman and the Management were contesting the present proceeding where the dismissal of the workman a clerk of the Bank is under challenge.

That after the joining of the present Presiding Officer, notice of appearance have been issued to both the employer and its retrenched employee in their last known addresses appearing in the reference order No. L-12012/34/2010-IR (B-II) dated 14.07.2010 and also, in the changed address of the workman, but notice have returned undelivered with postal endorsement left.

In view of decision of the Hon'ble Supreme Court in Madan & Co. –Vs- Wazir Javir Chand (1989)1 S.C.C 264 such service is deemed to be good. The Govt. of India through Ministry of Labour has referred the issue “whether the punishment of dismissal from the service of the Syndicate Bank with immediate effect inflicted on Smt. Rita Das, Ex. Clerk, vide Order dated 10<sup>th</sup> June, 2009 is justified and legal? If not, to what relief she is entitled to?”

From the materials on record it appears that the concerned workman while she was posted as a clerk at Brabourne Road Branch, there was a clearance of Rs.6 Lakh and Rs.4.50 Lakh on 14.12.2007 on the basis of two pay order passed without any corresponding debit entry and those pay orders were removed when received for inward clearing. Accordingly, for such misconduct the workman was charged sheeted and enquiry was started. That she was found guilty of the charge and later removed from service by the authority concerned.

However, she has alleged that false charge has been levelled against her, no proper enquiry was held, and that she was not given scope to engage a lawyer to defend her in the D.P. There was violation of principle of natural justice that she is the victim of unfair labour practice.

On the other hand, management has alleged that concerned workman was found engage in unlawful activities and as such she was first placed under suspension following the rules procedures.

Though she was charge-sheeted for fraudulently issuing two pay orders amounting to Rs.10.50 Lakh and for removing the relevant record.

She was given an opportunity to submit her reply against the charge-sheet and which she did by filing cryptic show-cause on 24.11.2008. Her reply being not satisfactory, the Management decided to hold D.P and appointed E.O. The workman fully participated in the D.P. and took help of Shri Samir Kumar Chatterjee, the representative of the Union. Of which the workman was a member. The D.P. was conducted in a fair manner giving opportunity to the workman to defend herself.

On conclusion of D.P., E.O. submitted his report holding the concerned workman guilty of the charge.

Then D.A. on accepting the report of E.O. and before imposing the proposed punishment from removal of service, an opportunity was given to the workman to submit her say. She was heard personally but considering the gravity of misconduct the D.A. decided to remove her from service w.e.f. 10.06.2009.

The concerned workman preferred an Appeal before the Appellate Authority against the order dated 10.06.09, but she failed to take part in the Appeal and she in writing requested the Appellate Authority to hear the Appeal in her absence.

The Appellate Authority upheld the decision taken by D.A. against her for her removal from service.

Thus, it has prayed for dismissal of the Reference.

The workman has examined herself as W.W. No. 1 and has filed the record of the D.P. There is nothing in her evidence to show that she was placed under suspension without adhering to the rule of Standing Order or that she has been illegally framed in a false charge of fraud by the Bank.

In fact from her evidence, it is seen that Bank has initiated a criminal case against her and her confinement in police custody and judicial custody for passing two pay orders of Rs. 10,50,000/- without corresponding debit entry and removal of these two pay orders. Pay order being passed in favour of one Anup Kumar Dey and Tapan Kumar Ghosh friends of her husband and ultimately her husband being the beneficiary of such fraudulent heinous action.

Perused the record of D.P. I do not find the D.P. being conducted in arbitrary manner against the concerned workman and in violation principle of natural justice. In fact it is seen that the D.P. was conducted in every fair manner by following the standing order.

It further shows the involvement of the concerned workman in the activities against the interest of the Bank and causing loss of Rs. 10,50,000/- to the Bank.

Therefore, I do not find any illegality in removal of the concerned workman from the service of a clerk by the Bank w.e.f 10.06.09 and merit in the Reference.

Accordingly, Reference No. 27/2010 is dismissed and award is passed to that effect.

Send copy of this order to the Ministry for doing needful.

Supply copy to the parties as per law.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 9 जुलाई, 2024

**का.आ. 1406.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (16/2019) प्रकाशित करती है।

[सं. एल-12011/34/2019-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2024

**S.O. 1406.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.16/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/34/2019-IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

**Present: Justice K. D. Bhutia, Presiding Officer.**

#### REF. NO.16 OF 2019

**Parties:** Employers in relation to the management of

**Central Bank of India**

**AND**

**Their Workmen**

Appearance:

On behalf of Management : Present

On behalf of the Workmen : None

**Dated 18<sup>th</sup> January, 2023**

#### A W A R D

The Management is present through its counsel. Today too, none appears from the side of union, when the matter is called.

In fact record shows the union has failed to appear and take steps to proceed with the hearing of the present reference case since the day the reference has been received from the Govt.

The Govt. of India, Ministry of Labour vide its Order No. L-12011/34/2019 (IR-B-II) dated 13.09.19 has referred the following dispute for adjudication:-

“Whether the action of the management of Central Bank of India, Regional Office (North), 33, N.S. Road, Kolkata-700001 regarding discontinuation of the serviced of Shri Suresh Kumar Gupta, Personal Driver, engaged for more than 10 years and above in the post of Driver for the Executives in Central Bank of India, Regional Office (North) Kolkata is legal and/or justified? If not, what relief the workman is entitled to?”

Unfortunately, the union which has espoused the dispute for reason best known to it has failed to pursue the matter.

Since there is no statement of claim filed by the Union, and as such, there is nothing to adjudicate.

Consequently, no dispute award is passed.

Reference Case No. 16 of 2019 is disposed of.

Send copy of this Award to the Ministry for information and doing needful.

Supply copy to the parties as per law.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 9 जुलाई, 2024

**का.आ. 1407.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं II चंडीगढ़ के पंचाट (270/2005) प्रकाशित करती है।

[सं. एल-12012/95/2001-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2024

**S.O. 1407.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.270/2005) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.II Chandigarh* as shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen.

[No. L-12012/95/2001-IR (B-I)]

SALONI, Dy. Director

#### ANNEXURE

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**

**Present: Mr. Kamal Kant, Presiding Officer.**

Case No. I.D. No. 270/2005

Registered on 7.11.2001

Sh. Swaran Singh S/o Sh. Nazar Singh, VPO: Bhang Jhari, Tehsil Muktsar(District Muktsar).

.....Workman

#### Versus

1. UCO Bank through Zonal Manager(Appellate Authority, Zonal Office, Sector 17-B, Chandigarh.
2. The Regional Manager(Disciplinary Authority) UCO Bank, Regional Office, Sector 17-B, Chandigarh.

.....Respondents/Managements

#### AWARD

**Passed on:-17.01.2024**

Vide Order No.L-12012/95/2001-IR(B-II), dated 10.10.2001 the Central Government in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Disputes Act, 1947 (in short Act) has referred the following industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of UCO Bank in awarding the punishment of compulsory retirement to Sh. Swaran Singh S/o Sh. Nazar Singh w.e.f. 7.3.1998 is legal and just? If not, what relief the concerned workman is entitled to and from which date?”**

1. The facts, emerging, are that workman was posted as Assistant Cashier in Malout Branch of the respondent-management in the year 1994-1995. He was suspended on 22.6.1995 and following charge-sheet dated 18.6.1993 was served on him which as follow:-

**“It has been alleged against you that you while working at your Malout Branch had fraudulently received the payment on 2.2.1993 against cheque No.0885117 for Rs.15,000/- drawn on current account of M/s Mangat Ram Raj Kumar for which the payment was already made to the account holder on 30.1.1993. Similarly, a cheque No.340347 dated 12.2.1993 for Rs.75,000/- drawn on C-3**

***account of M/s Som Chand Vimal Kumar was paid on 12.2.1993 was taken out of the bundle on 17.2.1993 entered into token book on 17.2.1993 and payment received by you fraudulently. Thus, you have made a fraud of Rs.90,000/-."***

The workman submitted reply which was not found satisfactory. An enquiry officer was appointed who conducted the enquiry and submitted a detailed report dated 11.9.1996 finding all the charges proved against the workman.

A show cause notice was issued to the workman along with copy of the findings and the disciplinary authority passed the punishment of dismissing him from service vide order dated 7.3.1998. The workman was removed from service and the punishment was reduced to 'Compulsory Retirement' w.e.f. 7.3.1998 with all the retiral benefits in an appeal.

The workman has challenged the enquiry proceedings as well as the punishment order by stating that the enquiry was conducted against the principle of natural justice and is not based on any evidence. That Sh. Dal Chand was the material witness to prove the charges, but he was not examined by the respondent-management and in the absence of his statement, charges against him are not proved.

The enquiry officer has wrongly relied on the report of the handwriting expert who was not examined as witness and the enquiry officer based his findings on conjectures. The defence evidence led by him was not wrongly relied upon. The disciplinary authority did not apply its mind to the entire evidence and wrongly passed the punishment order. Similarly, the appellate authority did not appreciate the material and came to the conclusion for retiring him 'compulsorily'.

2. The respondent-management, in its written statement pleaded that a fair and proper enquiry was conducted in which due opportunity was given to the workman to cross-examine the witness and to lead evidence in defence. The enquiry officer based his report on the basis of evidence led before him and there is no defect in the conduct of the enquiry. It is therefore, respectfully prayed that the reference be may be dismissed.
3. It is pertinent to mention here that my Predecessor Sh. Kewal Krishan Garg vide order dated 31.03.2016 has held that the enquiry conducted in the present case is not fair and proper.
4. Parties were given opportunity to lead evidence.
5. The management has examined Sh. Bhim Sain Chandna, Assistant Manager in UCO Bank, who filed his affidavit as RW/1 along with documents Ex.R-1 and R-2. The management has also examined Sh. Rajinder Singh Kanwar, who filed his affidavit as Ex.MW1/A along with documents(colly) and Sh. Jit Singh Parmar who filed his affidavit as Ex.MW2/A, who were cross-examined by the learned counsel of workman.
6. The workman himself appeared in the witness-box and examined himself as WW1 and cross-examined by the learned counsel of management.
7. Workman filed written arguments, alleging therein that the workman herein had challenged his compulsory retirement on the basis of the defected departmental enquiry. The enquiry conducted by the Management has been set aside by this Tribunal on 31.03.2016. Thereafter, the respondent-management had produced three witnesses i.e. Sh. Jit Singh Parmar, Bhim Singh Chanana and Rajinder Singh Kanwar, who had been cross examined by the workman. None of the witnesses were able to prove the alleged charges against the workman. It is an admitted fact that on the relevant date of the payment of the cheques, along with the workman, the other Cashier Dal Chand was also present on the seat. This material witness Dal Chand had not been called in the enquiry before the Enquiry Officer or before this Hon'ble Tribunal to elicit the factual position. The Enquiry report shows that various Management witnesses have laid emphasis on the so called unwritten practice in the cash department to the effect that in the absence of Payment Cashier, the Receipt Cashier would make the payments, and reciprocally in the absence of Receipt Cashier, the Payment Cashier would receive the cash and that adjustment entries were made by the concerned Cashiers in their books. The said statement was made just to help Dal Chand. The witnesses produced by the Respondent-Bank before this Tribunal has not stated about anything with regard to the handwriting expert report of which had been relied upon by the Disciplinary Authority. However, it also deserves to be stated that the report of the Hand Writing expert has not been put to cross examined by the workman and as such the same cannot be relied upon as the Hand Writing Expert has not been produced as witness. It is also an admitted fact that the Respondent Bank has not lodged any FIR against the workman for the alleged fraud and rather the complaint filed by the Bank had also been withdrawn by the Respondent Bank, which has been admitted by the witness of the Respondent Bank and as such the charges of fraud cannot be said to be alleged or proved against the workman.

8. Management has filed its written arguments, alleging therein that the present industrial dispute raised by the workman is not maintainable as the workman has challenged the order of disciplinary authorities before the Appellate Authority by filing the appeal. The Appellate Authority while taking the lenient view had converted the punishment of removal from service to the compulsory retirement from the service vide order dated 21.06.2000. The workman had availed the said benefit and thereafter approached to this Tribunal by raising the present industrial dispute. The management-bank is a financial institution and act as a custodian of public money and the honesty and integrity are the basic ingredients of the character which cannot be loose. The act committed by the workman is answerable to the public by the management and hence, the workman had rightly been compulsory retired. It is held by the various Courts in various judgments that compulsory retirement is not a punishment once it has been acted upon by the employee. The workman had already taken the superannuation benefit from the management-bank and he had not work with the bank during his period of suspension so, he cannot claim any benefit for that period. The brief history of allegation are that the workman while working at Malout branch had fraudulently received the payment on 02.02.1993 against Cheque No. 0885117 for Rs. 15,000/- drawn on current account of M/s Manghat Ram Raj Kumar for which the payment was already made to the account holder on 30.01.1993. Similarly, a Cheque No. 340347 dated 12.02.1993 for Rs. 75,000/- drawn on C-3 account of M/s Som Chand Bimal Kumar was paid on 12.02. 1993 was taken out of the file on 17.02.1993 and entered into token book on 17.02.1993 and payment received by workman fraudulently. In this manner, the workman had made a fraud of Rs.90,000/-. The charge sheet was issued to the workman for alleged fraud and after following the proper procedure, the inquiry was conducted. The workman was given full opportunity to prove his innocence but the charges are proved during inquiry. Though the inquiry conducted by the Inquiry Officer was not found fair and proper by this Tribunal vide order dated 31.03.2016. This Tribunal while setting aside the inquiry was of the conscious view that the alleged misconduct /fraud had taken place, hence, given the opportunity to lead the evidence for proving the allegation against the workman. Thereafter the bank had led its evidence by producing three witnesses i.e. Sh. Jeet Singh Parmar, Bhim Singh Chanana and Rajinder Singh Kanwar who have produced their duly sworn affidavit along with the documents. The claim of the workman is only based on the ground raised in his industrial dispute that the witness namely Dal Chand had not been called during the course of inquiry. On the other hand, the proceeding were initiated against both the cashier i.e. workman and Sh. Dal Chand. But the proceedings against Sh. Dal Chand could not reach to any conclusion due to untimely demise of Sh. Dal Chand. So the claim of the workman for not calling Sh. Dal Chand in inquiry is not sustained in any manner. The proceeding initiated by the bank clearly shows with the help of documentary proof that the embezzlement has been committed by the workman. The management had again proved their case by leading the cogent evidence before this Tribunal and the same is not on the basis of assumptions or presumption, rather, the embezzlement is apparent from the entries made in the documents produced before this Tribunal. The workman was duly cross examined and the workman had admitted that the payments were made twice of the cheques in question which is sufficient to prove that the amount of Rs.90,000/- was embezzlement while the workman was working as cashier in the branch. On the fact as well as on the legal aspect of the matter, the present industrial dispute is not sustainable, the workman had come only against the order of compulsory retirement after taking the termination/superannuation benefit of 2002.
9. I have heard Ld. Counsel for the parties and have gone through the evidence led by the parties and entire record of the case.
10. It is settled position of law that if the Industrial Tribunal has come to the conclusion that domestic enquiry is illegal because it was conducted against the principle of natural justice against the workman, respondent-bank is under legal obligation to prove the misconduct/charges against the charged employee before the Tribunal in order to prove the charges against the charge-sheeted workman. it is also fairly settled that in any industrial dispute, the respondent-bank is required to prove the charges on preponderance of probability and not on proof beyond reasonable doubt. Reference may be made of the judgment of Supreme Court in the case of *Union of India Vs. Sardar Bahadur*(1974)4 SCC 618, *R.S. Singh Vs. State of Punjab and Other*(1999)8 SCC page 90, *State Bank of India Vs. Narender Kumar Pandey, Civil Appeal No.263/2013 dated 14.01.2013*.
11. In order to prove its case, the respondent-management has examined Sh. R.S. Kanwar, Assistant Manager(earlier was examined as MW5 in the domestic enquiry, Sh. B.S. Chanana, Assistant Manager(earlier was examined as MW1 in domestic enquiry), Sh. Jit Singh Parmar, Assistant Manager(earlier was examined as MW4 in domestic enquiry) and thereafter closed its evidence.
12. The workman Swaran Singh himself appeared in the witness box and examined himself as WW1 in order to rebut the evidence led by the management.

13. It is a settled principle of law as laid down by the Hon'ble Supreme Court in the case of *Neeta Kaplish Vs. Presiding Officer, Labour Court, arising from Appeal(Civil) 6079 of 1998, decided on 04.12.1998*, that record pertaining to the domestic enquiry would not constitute fresh evidence and the management is required to prove its case on fresh evidence. The Hon'ble Supreme Court has held as follow:-

*“The record pertaining to the domestic enquiry would not constitute “fresh evidence” as those proceedings have already been found by the Labour Court to be defective. Such record would also not constitute “material on record”, as contended by the counsel for the respondent, within the meaning of Section 11-A as the enquiry proceedings, on being found to be bad, have to be ignored altogether. The proceedings of the domestic enquiry could be, and, were, in fact, relied upon by the management for the limited purpose of showing at the preliminary stage that the action taken against the appellant was just and proper and that full opportunity of hearing was given to her in consonance with the principles of natural justice. This contention has not been accepted by the Labour Court and the enquiry has held to be bad. In view of the nature of objections raised by the appellant, the record of enquiry held by the management ceased to be “material on record” within the meaning of section 11-A of the Act and the only course open to the management was to justify its action by leading fresh evidence as required by the Labour Court. If such evidence has not been led, the management has to suffer the consequences.”*

Thus, the proposition of law which emerges from the judgment of Hon'ble Supreme Court is crystal clear and management has to prove the charges on the basis of fresh evidence but management of bank has miserably failed to adduce reliable oral and documentary evidence reason best known to it.

14. In the present case, the management has examined Sh. R.S. Kanwar, Assistant Manager(earlier was examined as MW5 in the domestic enquiry, Sh. B.S. Chanana, Assistant Manager(earlier was examined as MW1 in domestic enquiry), Sh. Jit Singh Parmar, Assistant Manager(earlier was examined as MW4 in domestic enquiry) who were already examined in domestic enquiry and no new evidence has been lead by the management. In view of *Neeta Kaplish case(supra)* the said evidence is inadmissible.
15. It is added here that all the aforesaid three witnesses namely Sh. R.S. Kanwar, Assistant Manager, Sh. B.S. Chanana, Assistant Manager and Sh. Jit Singh Parmar, Assistant Manager have reiterated what they have stated in the domestic enquiry and on the basis of which my learned Predecessor has passed the order dated 31.03.2016. The relevant para of the said order dated 31.03.2016 is reproduced below:-

*“A bare perusal of the enquiry report shows that the Presenting Officer read the statement of the witnesses and made submissions before the enquiry officer who concluded that allegations in the charge-sheet stand substantiated. The enquiry officer has not mentioned a single word how he came to the conclusion and on wants of the basis, he concluded that the payment of Rs.15,000/- and Rs.75,000/- was in fact received by the workman. Though, this Court is not to set in appeal on the findings recorded by the enquiry officer, but it is still to be seen whether the enquiry report is based on any evidence fastening the liability of the workman. Actually, no evidence was led before the enquiry officer to the effect that it was the workman who had taken the cheques regarding which payments were already made from the record and produced the same to obtain cash amount again on 2.2.1993 and 17.2.1993. It is found in the enquiry report that some of the witnesses stated that workman agreed to make good the loss to the extent of half share. Even if it is taken that he offered to make half of the payment of the entire amount, the same do not establish that it was he who fraudulently took the payment by reusing the cheques already paid. It may be also added that when payment are made on a cheque, some entries are made on the cheque itself by the concerned official and it is not possible to reuse the cheque again in order to withdraw the payments.*

*Since no evidence was led before the enquiry officer to prove that it was the workman who took out the cheques from the record and reused the same and in fact have received the payment thereof, the enquiry officer erroneously came to the conclusion that charges are proved against the workman. In the circumstances, it cannot be said that the enquiry conducted in the present case is fair and proper, though; an opportunity was given to the workman to cross-examine the witness and to lead evidence in defence.*

*Since the findings of the enquiry officer is not based on any evidence, who himself did not appreciate the evidence and simply relied on the submissions made by the Presenting Officer, it is to be held that the enquiry conducted in the present case is not fair and proper.”*

Since no new evidence has been led by the management before this Tribunal, so finding of my Ld. Predecessor Sh. K.K. Garg dated 31.03.2016 cannot be reversed.



16. Now, adverting to the statement of the witness recorded in the present enquiry Sh. Rajinder Singh Kanwar in his affidavit Ex.MW1/A has reiterated the fact along with documents as he had stated in the domestic enquiry. In his cross-examination he has further stated that two cashier i.e. Swaran Singh and Dal Chand were working on cash seat. Mr. B.S. Chanan informed him about the fraud orally on 2.2.1993. He had further stated that Dal Chand was also charge-sheeted by the bank and subsequently he was exempted. He has also stated that the bank has lodged complaint against the charge-sheeted employee about the payment of Rs.90,000/-. He cannot tell why the complaint was withdrawn from the police. From the statement of said witness, it emerges that two cashier namely Swaran Singh and Dal Chand were working on cash seat. Dal Chand was payment cashier and Swaran Singh was receipt cashier. This witness has stated that Dal Chand was also charge-sheeted by the bank but he was subsequently exempted. Why Dal Chand was exempted is not clear. From the facts of the case, it emerges that both were responsible for handling the cash as they can sweep seat of each other. So Dal Chand should also have been charge-sheeted but no record has been placed whether Dal Chand was charge-sheeted or not for the reason best known to him. When he expired is not clear by the respondent-bank. Further in this case a complaint was lodged to the police and later on the complaint was withdrawn by the bank itself and this witness has failed to tell why the complaint was withdrawn. Thus, it cannot be said that bank acted in a fair manner while dealing with the case.
17. Similarly, Sh. Bhim Sain Chanana, who was earlier examined as MW1 in domestic enquiry had filed his affidavit Ex.R1, reiterating the same fact as deposed by him in the domestic enquiry. He in his cross-examination has stated that the complaint was filed against both before the police. No enquiry was conducted by the bank against Dal Chand. So, this witness has spoken on the same line as was stated during domestic enquiry. Thus, from the statement of this witness it has come out that bank was not fair while conducting the enquiry.
18. Similarly, Sh. Jit Singh Parmar has reiterated the same fact as stated by him in the domestic enquiry. There is nothing in his affidavit and cross-examination which helps the management.
19. It is also added here that respondent-bank had also not examined the enquiry officer as witness in this Court and therefore, enquiry proceeding stand vitiated on this score also. To support this view, reliance can be placed on **1998(2) RSJ Khadi Ashram, G.T. Road, Panipat Vs. Presiding Officer, Labour Court, Ambala and other**, wherein it has been held by the learned Lordship that wherein neither the order of appointing enquiry officer was exhibited on the record by the management nor the enquiry officer, who was alleged to have conducted enquiry was examined as witness, it was rightly concluded by the Labour Court that no domestic enquiry was held before.
20. Keeping in view of my findings on the above discussion, it is observed that the order of the appellate authority retiring compulsory to Sh. Swaran Singh dated 7.3.1998 is quashed.
21. Admittedly, workman has superannuated hence, he is not entitled for reinstatement but entitled for back wages from the date of compulsory retirement upto the date of superannuation with all consequential benefits. He is also entitled to all retiral benefits under the relevant rules for which he is statutory entitled. The management-bank is directed to pay the entire arrears of back wages including pension and other arrears due to him within 2 months from the publication of the award. The reference is answered accordingly.
22. The reference is answered accordingly. Let copy of the award be sent to the Central Government for publication as required under Section 17(2) of the Act.

KAMAL KANT, Presiding Officer

नई दिल्ली, 9 जुलाई, 2024

**का.आ. 1408.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया एयरट्रांसपोर्ट सर्विसेज लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नं. 1. मुंबई के पंचाट (संदर्भ संख्या सीजीआईटी-15/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/07/2024 को प्राप्त हुआ था।

[सं. एल-11012/69/2006- आई आर (सी.एम-1)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 9th July, 2024

**S.O. 1408.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref.No.CGIT-15/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court, No.1, Mumbai** as shown in the Annexure, in the industrial dispute between the Management of **Air India Air Transport Services Ltd** and their workmen, received by the Central Government on 08/07/2024.

[No. L-11012/69/2006-IR ((CM-I)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

National Industrial tribunal

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR

COURT. MUMBAI-I

**Present : Justice K.D. Bhutia, Presiding Officer.**

**REF. CGIT NO. 15 OF 2007**

**Parties :** Employers in relation to the management of

**Air India Air Transport Services Ltd.**

**AND**

**Their Workmen**

Appearance :

On behalf of Air India Air Transport Services Ltd. : Mr. Lancy D'Souza, Ld. Advocate

On behalf of the Union /Workmen : Absent / None

**Dated: 21st March, 2024**

**AWARD**

By order No. L-11012/69/2006-IR (CM-1) dated 07-03-2007, the Central Government, Ministry of Labour in exercise of power conferred u/s (1) (d) and sub-section (2A) of Industrial Dispute Act, 1947 has referred the following disputes to this Tribunal for adjudication:-

“Whether the demand of 73 workmen (list enclosed) who have completed 240 days continuous service with Air India Air Transport Services Ltd. to get regularised their services in the Air India Air Transport Services Ltd. as direct employees, is legal and justified? If so, what relief are these workmen entitled?”

The union which has espoused the above dispute has stopped pursuing with the present reference case and has failed to adduce either oral or documentary evidence to substantiate its claim and case as made out in the claim statement filed by it. Therefore, an inference can be drawn that the union is no more interested to proceed with the dispute raised by it.

However, the union in its claim statement has alleged that Air India Air Transport Services Ltd. had published a notice for requirement of Loaders on contract basis on 11-08-2003, but only from the children and dependents of Air India employees.

That only 111 a candidates were selected for the job of loader on the basis of interview. They were given appointment letters, containing the terms and conditions of the work of loader. They were appointed w.e.f. 18-09-2003 for a period of three months and on condition that on expiry of three months the service will terminate automatically, after the lapse of three months Air India Air Transport Services Ltd. continued to avail their services. That their service was terminated after ten months of employment in the month of June, 2004 without giving any kind of notice and without following due procedure as per law and as per appointment letter and engaged new loaders.

It has been alleged that those workmen having put continuous services of 240 days and in view of section 25B of the I.D. Act, they are entitled to absorption as direct employees in the category of ‘loader’ in Air India Air Transport Services Ltd. or benefits of section 25-F of the I.D. Act.

The management agreed to engage only those workmen having S.S.C. qualification as loaders. Thus, it has prayed for absorption of those 73 loaders in Air India Air Transport Services Ltd.

Air India Air Transport Services Ltd., contested the case by filing written statement, where it has alleged that those loaders were engaged purely on contractual basis for a specific period initially for a period of three months on temporary basis. Appointment letters given to those loaders clearly provides that their job is temporarily in nature and they are not entitled to claim permanency. They were engaged on temporary basis due to operational requirement. They are not entitled to the relief as claimed. Thus, it has prayed for dismissal of the reference.

The management too has failed to adduce oral evidence and produce documentary evidence. However, Ld. Counsel for the management of Air India Air Transport Services Ltd has argued the case and referred to following decisions in support of his Submission.

1. Vibhuti Shankar Pandey -vs- State of Madhya Pradesh & Ors., (2023) 3 SCC 639.
2. Tin Box Company-vs- Inderjit Singh & Ors., 2003 SCC Online DEL 73.
3. V. K. raj Industries -vs- First Labour Court, Kanpur & Ors. LLN 97.
4. Airtech Pvt. Ltd. -vs State of U.P. & Ors., 1983 SCC OnLine ALL 954.
5. VNS Engineering & Services Co.-vs- Industrial Tribunal, Goa, Daman and Diu & Anr., 1987 SCC On Line Bom 514.
6. M.P. Housing Board and Anr. -vs- Monoj Shrivastava (2006) 2 SCC 702.

The union in its pleading has admitted that those 73 workmen were engaged Air India Air Transport Services Ltd. as loader initially for three months on temporary contract basis on 18/09/2003, but their service was availed for ten months i.e. till June, 2004 and their services were terminated after ten months of employment.

It is settled law if the appointment is temporary and on contractual basis, the appointment comes to an end at the end of the Contract. So, a temporary employee engaged for a fixed period of time and on contractual basis cannot claim permanent on the expiry of his term of appointment. Even if a temporary employee or casual wage worker is continued to work beyond the term of his appointment he would not be entitled to be absorbed in regular service or made permanently, merely on the strength of such continuance. There is no fundamental right in those who have been employed on daily wages or on a contractual basis, to claim that they have a right to be absorbed in service. A regular appointment can be made only by making appointment consistent with the requirements of Article 14 and 16 of the Constitution, but sometime temporarily employment is necessitated on account of the exigency of administration.

It has been admitted by the union in para 2(d) or in page 5 of its claim statement that those disputant workmen were engaged for three months and their service is liable to be terminated without assigning any reason by giving seven days wages in lieu of notice and temporary employment will not be considered for claiming permanency, in case the company decided to fill up permanent post and same will be filled up after following due process laid down in that respect.

Nothing has come on record to show that those temporary loaders were appointed against sanctioned posts. Therefore, a temporary employee does not hold a post or derive any legal right in relation thereto and such they have no right to claim regularisation of their services.

Since the present dispute is raised by the union then burden lies upon the union to prove its case by adducing evidence both oral and documentary to demonstrate that they were engaged to work against sanctioned and vacant posts and they have been illegally terminated by the management of Air India Air Transport Services Ltd. But in the present case the union has failed to discharge its such responsibility. Therefore, there is nothing in the record to substantiate the claim of the workmen that they have worked for more than 240 days in a calendar year with Air India Air Transport Services Ltd. against vacant sanctioned posts and they were terminated without following the due process of law as prescribed in Industrial Disputes Act, 1947. Thus, the dispute raised by the union fails. The union is not entitled to get the relief as claimed and the issue under reference is hereby decided against the union. Accordingly, Reference CGIT-15 of 2017 is disposed of and an Award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 9 जुलाई, 2024

**का.आ. 1409.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रशिक्षण जहाज 'चाणक्या' भारतीय समुद्री विश्वविद्यालय के प्रबंधक, संबद्ध नियोजको और उनके कर्मचारियों के बीच

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 मुंबई के पंचाट (39/2010) प्रकाशित करती है।

[सं. एल-31012/12/2010- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2024

**S.O. 1409.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 39/2010) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.2 Mumbai* as shown in the Annexure, in the industrial dispute between the management of Training Ship 'Chankaya' The Indian Maritime University and their workmen.

[No. L-31012/12/2010-IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

#### PRESENT

SHRIKANT K. DESHPANDE

Presiding Officer

#### REFERENCE NO. CGIT-2/39 of 2010

#### EMPLOYERS IN RELATION TO THE MANAGEMENT OF

##### 1. TRAINING SHIP 'CHANAKYA'

Captain Superintendent ,  
T. S. Chanakya, At. Village Karve, Nerul  
No. 317, M. G. Road  
NAVI MUMBAI - 400706

##### 2. THE INDIAN MARITIME UNIVERSITY

Indian Maritime University  
East Coast Road, Uttandi  
Chennai-60019

**AND**

#### THEIR WORKMEN.

Shri Chetan Narayan Jappe  
First floor, B Wing, Galaxy Co-op. Hsg. soc.  
Sanewada Brahminali Papdi  
VASAI - 401207

#### APPEARANCES:

Party No. 1	:	1. No appearance
		2. Mr G. S. Desai Advocate
Party No. 2	:	Mr. J. H. Sawant Advocate

#### AWARD

(Delivered on 30-05-2024)

1. This reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-31012/12/2010 – IR (B-II) dated 01.04.2010. The terms of reference given in the schedule are as follows :

*“Whether the action of Captain Superintendent, Training Ship, Chanakya, Mumbai in terminating the services of Shri Chetan Narayan Jape, ex-Lab Assistant with effect from 29-03-2008 is legal, just and proper? What relief the workman concerned is entitled to ?”*

2. During proceeding the party no. 2 made application Ex- 22, verified the party no. 2 in presence of his advocate. The counsel for the party no. 1 present before the court. It seems that the party no. 2 is not interested to prosecute the reference further therefore requested for disposal of reference. The party no. 1 has no objection for disposal. In view of this, the reference is disposed of for want of prosecution. No order as to cost.
3. The award be drawn accordingly.

#### ORDER

- i. The Reference is answered in negative.
- ii. The party no. 2 is not entitled for relief sought in reference.
- iii. No order as to cost.
- iv. The award be sent to the Government.

SHRIKANT K. DESHPANDE, Presiding Officer

Date 30-5-2024

नई दिल्ली, 9 जुलाई, 2024

**का.आ. 1410.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 मुंबई के पंचाट (22/2011) प्रकाशित करती है।

[सं. एल-12011/82/2010- आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 9th July, 2024

**S.O. 1410.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 22/2011) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.2 Mumbai* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[No. L-12011/82/2010-IR (B-II)]

SALONI, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

#### PRESENT

SHRIKANT K. DESHPANDE

Presiding Officer

#### REFERENCE NO.CGIT-2/22 of 2011

#### EMPLOYERS IN RELATION TO THE MANAGEMENT OF

#### CENTRAL BANK OF INDIA

The Deputy General Manager,  
Central Bank of India, Zonal Office,  
No. 317, M. G. Road  
PUNE (MAHARASHTRA)

#### AND

#### THEIR WORKMEN.

The General Secretary,  
Central Bank Employees Association,

C/o Central Bank of India, Satpur Branch,  
P-63, MIDC, Satpur  
NASIK (MAHARASHTRA)-422007

**APPEARANCES:**

FOR THE EMPLOYER : Mr L.L. D'Souza.  
Representative  
FOR THE WORKMAN : Mr. J. H. Sawant  
Advocate

**AWARD**

(Delivered on 29-05-2024)

1. This reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-12011/82/2010 – IR (B-II) dated 11.05.2011. The terms of reference given in the schedule are as follows :

*“Whether the process of inquiry and the punishment inflicted upon Shri. S.B. Potdar, Daftry by the management of Central Bank of India, is proper, correct and justified? What relief and actual privileges is the workman entitled to ?”*

2. During proceeding the party no. 2 workman made an application exhibit 18. It seems that the party no. 2 workman is not interested to proceed with the reference therefore seeking withdrawal of reference for want of prosecution. The party no. 1 employer has no objection for withdrawal. In view of this, the reference is disposed of for want of prosecution. No order as to cost.

3. In the result I pass the following award.

**ORDER**

- i. The Reference is answered in negative.
- ii. The Party No. 2 is not entitled for relief sought in reference.
- iii. No order as to cost.
- iv. The award be sent to the Government.

Date : 29. 05. 2024

SHRIKANT K. DESHPANDE, Presiding Officer